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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Eternal God, high above all yet in all, we thank You for Your steadfast love and faithfulness. Do mighty things through the labors of our lawmakers, using them to accomplish Your work on Earth. Lord, provide them with faith to confront perplexities and to remain unwearied, even during monotonous seasons. Keep them strong as they face life's demands and may they never let go of their dreams.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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, February 23, 2010.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN 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. Madam President, following leader remarks, there will be a period of morning business for 1 hour, with Senators able to speak for up to 10 minutes each. The Republicans will control the first half, the majority the second half.

Following morning business, the Senate will resume consideration of the House message on H.R. 2847, which is the legislative vehicle for the jobs bill. Postcloture debate time expires shortly after midnight tonight.

I am hopeful and confident we can work out a reasonable time to vote on this; otherwise, we have to do it late tonight or very early in the morning.

Later today, I will ask unanimous consent for a 30-day extension of expiring tax provisions, including unemployment insurance, COBRA, flood insurance, and a number of other important issues. I hope we can clear that request later tonight or this afternoon. Senators, of course, will be notified if there are any votes scheduled.

Again, we have to finish this jobs bill we are on. We are going to move, as I explained last night, to the Travel Promotion Act, and then we are going to move to the big package I described a little earlier, which is so important to do. We will have to do the tax extenders, unemployment insurance extension for a reasonable period of time, along with COBRA. We are going to take a look at FMAP as something that needs to be done. We will discuss that in more detail when we get the timelines defined.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE REFORM

Mr. McCONNELL. Madam President, as we meet here in Washington this week, unemployment continues to hover around 10 percent. Tens of millions of Americans are struggling to make ends meet. The national debt is at a staggering all-time high. In response to all this, the administration wants lawmakers to go down to the White House to talk about a health care bill Americans have already rejected resoundingly. The American people thought the debate on this approach to reform was over. They issued their verdict on the substance of the Democratic bills and the process that was used to force them on the public. Yet here we are, once again, being told by the White House we have to consider the same health care bills that caused such a backlash across the country in December. Democrats either aren't listening to the American people or they are going down the same road they have gone down again and again over the past year: put a bill together behind closed doors and then try to force it through Congress along a party-line vote and ultimately onto a public that doesn't want it.

Americans don't want to be told what is best for them. They call the shots. What they are telling lawmakers in Washington to do on health care is to stop and start over. They want us to put the old bills on the shelf, pull out

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



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a clean sheet of paper, bring all the parties together, and start over.

They are telling us they want a new bill. It is no wonder, since the bills we have seen would slash Medicare, increase taxes, and lead to higher insurance premiums. You could call this kind of approach many things, but you can't call it reform. Americans want real reform. That is what I had hoped Thursday's meeting at the White House would present, an opportunity for us to share the best ideas and work together on commonsense solutions. I am disappointed the White House seems to view it instead as an opportunity to simply restart where we left off in December. Americans don't know how else to say it. They are not interested in reform that starts with either of these two bills. The American people have been quite clear about that. They are not interested in reform that starts with either of these two bills.

If you think they are mad about the process they have seen so far, wait until Democrats in Washington completely ignore them and try to jam these bills through one more time. People aren't interested in so-called reform that raises costs instead of lowering them. They are not interested in massive cuts to Medicare. They are not interested in new taxes at a time when we are already struggling. They are not interested in a government-run health care system that will inevitably lead to delays and to rationing. They want step-by-step reforms that address the core of our problem, which is cost, not grand government schemes that only expand existing problems, increase our debt, and extend the reach of government further and further into our lives.

Reform is necessary. Unfortunately, it seems Washington Democrats are so wedded to their own flawed vision of reform that they would rather have nothing at all done about health care than to implement the kinds of changes Americans want.

When it comes to solving problems, Americans want us to listen first and then, if necessary, offer targeted, step-by-step solutions. Above all, they are tired of a process that shuts them out. They are tired of giant bills negotiated in secret, then jammed through on a party-line vote in the middle of the night. It should be clear by now, Americans are tired of grand schemes imposed from above. They have been telling us exactly that for an entire year. Incredibly, our friends on the other side still don't seem to get it. But Americans see what is going on, and that is why they will reject this bill one more time.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa is recognized.

JOBS LEGISLATION

Mr. GRASSLEY. Madam President, I yield myself such time as I may consume. I rise to address the jobs issue and the bill before the Senate. Part of it is to show to my fellow Senators and the American people that the Democratic leadership has a different view on this bill before us that is a partisan bill, particularly in regard to the absence of tax extenders being in that bill, compared to what they have over several of the recent years, which was very supportive of these tax provisions that are left out of this bill. I will explain it this way.

Although the Senate Democratic leader was highly involved in the development of the bipartisan bill, he arbitrarily decided to replace it with a bill now being jammed through the Senate. From the start, this was something Senator BAUCUS and I were working on with both leaders of the Senate. Somehow, that didn't seem to work in the end, as we thought it was working very well as we were moving along. As much as I was surprised by the Democratic leader's disregard for bipartisanship, I am even more surprised by the explanation given by him and his people who speak for him.

Perhaps the most significant change between the bipartisan package Chairman BAUCUS and I helped put together and the package we voted to move to is the package of expired tax provisions has been removed. These expired tax provisions are the ones I referred to as tax extenders. These generally very popular and certainly bipartisan tax extender provisions have, in fact, been extended several times over the past few years. What is surprising is that hyperpartisan members of the majority have suddenly somehow decided tax extenders are what they refer to as "partisan pork for Republicans." A representative sample comes from one report which describes the bipartisan bill as "an extension of soon-to-expire tax breaks that are highly beneficial to major corporations, known as tax extenders, as well as other corporate giveaways that have been designed to win GOP support." Like this is something that only Republicans have ever been for or it is just for major corporations.

There is another quote in the Washington Post which includes this attribution to the Senate Democratic leadership:

"We're pretty close," [the majority leader] said Friday during a television appearance in Nevada, adding that he thought "fat cats" would have benefitted too much from the larger Baucus-Grassley bill.

Understand, Senator BAUCUS is a Democrat, I am a Republican. The portrait being painted, then, by certain members of the majority, echoed without critical examination by people in our press, is wildly inaccurate. For one thing, the tax extenders include provisions such as the deduction for qualified tuition for college and related expenses and also the deduction for certain expenses for elementary and secondary schoolteachers. That ended December 31. It is going to mean tax increases for these families if we don't reinstitute it. If you are going to college or if you are a grade school teacher, the Senate Democratic leadership thinks you are a fat cat, so you are on your own. If your house was destroyed in a recent natural disaster and you still need any of the temporary disaster relief provisions contained in this extenders package, too bad, because helping you would amount to corporate giveaways in the eyes of some around here.

The bipartisan package that was shelved included an extension of unemployment insurance and also a COBRA health insurance extension. Do these provisions benefit corporate fat cats? The answer is obviously no. Therefore, the common, ordinary person, Main Street America, smalltown America or big city America, the working people of this country, that is who will benefit from those provisions that are left out of this bill.

The tax extenders have also been routinely passed and repeatedly passed because, in fact, they are and have been bipartisan and have been very popular and have been very beneficial to the economy. Democrats have consistently voted in favor of extending these tax provisions. Let me as an example refer to House Speaker NANCY PELOSI, who released a very strong statement upon the House package of tax extenders in December 2009. Just 6 weeks ago, the other body passed these tax extenders. This is what the leader of the Democratic Party in the House had to say in December 2009, not very long ago: that it is "good for business, good for homeowners, and good for our communities."

In 2006, the then-Democratic leader released a blistering statement:

After Bush Republicans in the Senate blocked passage of critical tax extenders [because] American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks.

Recent bipartisan votes in the Senate on extending expiring tax provisions have come in the Emergency Economic Stabilization Act of 2008, the Tax Relief and Health Care Act of 2006, which passed the Senate by unanimous vote, and the Working Families Tax Relief Act of 2004, which was originally passed in the Senate by a simple voice vote,

although the conference report received 92 votes in favor and a whopping 3 against. That doesn't sound, to me, like these tax extenders are just for GOP corporate fat cats.

According to the nonpartisan Congressional Research Service, extension of several of these provisions goes back even further, including the Tax Relief Extension Act of 1999, which passed the Senate by unanimous consent and lost just one Senator voting against it coming out of conference.

Why have Democrats in the last few weeks or maybe in just the last few days turned against the extenders, particularly considering it passed overwhelmingly in the House of Representatives with Democratic support? The only explanation to this behavior is that certain Senators have decided it serves deeply partisan goals to slander what have been, for several years, very bipartisan and very popular tax provisions benefiting many different people.

Yesterday's Washington Post article, from which I quoted, includes a statement from a Democratic leadership aide saying that:

No decisions have been made, but anyone expecting us immediately to go back to a bill that includes tax extenders will be sorely disappointed.

Having put their heads into the sand, this Chamber's leaders seem intent on keeping them there, based on that previous quote. The bill, as currently written, would allow employers of illegal workers to benefit from the payroll tax holiday. For sure, we should correct that mistake with an amendment. But under this parliamentary setup, you can only offer an amendment if not a single Senator objects to setting aside the existing business and replacing it with a new idea. The leadership's posture on this bill now prohibits this correction of giving illegal workers the benefit of a payroll tax holiday or the employer that employs them. Either the Democratic leaders are playing partisan politics with tax extenders or they don't understand the worth of the provisions to the economy as a whole and, most importantly, job retention and job creation.

I wish to speak about a very specific industry where 23,000 jobs are at risk and, in some instances, people actually without a job since December 31 because the biodiesel tax credit has been allowed to expire on December 31. That is one of the many tax extenders.

These workers are not GOP corporate fat cats, and in case anybody thinks biodiesel—because it is connected to agriculture—is related just to Iowans, let me make it very clear that these green jobs are in 44 of the 50 States, with thousands of people unemployed.

There are 24 facilities in Texas, 15 in my State of Iowa, 6 in Illinois, 6 in Missouri, and 4 facilities in Washington State. Ohio has 11 facilities, there are 5 facilities in Indiana, 3 each in Mississippi and South Carolina, 7 in Pennsylvania, and 4 in Arkansas. New Jersey has 2 facilities, there is 1 facility in

North Dakota. Only 6 States out of 50 do not have some biodiesel production layoffs because Congress did not act by December 31 of last year.

You know what. We just had to stay in session on Christmas Eve—because we had not met on Christmas Eve since 1895—to pass a health care reform bill that does not take effect until 2014.

Think of that. Let people in the biodiesel industry be laid off because Congress cannot act because we had to work on a bill that does not take effect until the year 2014.

So we need to turn away from talk about GOP corporate fat cats. We have to start thinking about those teachers having income tax provisions to be able to deduct expenses they have for their classrooms. We ought to think about these biodiesel workers being laid off. We ought to be thinking about the people who are harmed by the floods and have an extension of the temporary tax relief for them and quit bad-mouthing popular bipartisan proposals that we need to pass and should have passed yet last year, as the House of Representatives did. So we need to get back to work on a bipartisan package that was in the works until the Democratic leadership dramatically changed directions and went partisan.

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

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

The legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. I wish to speak for up to 10 minutes as in morning business.

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

(The remarks of Ms. LANDRIEU pertaining to the submission of S. Res. 419 are located in today's RECORD under "Submitted Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

HONORING OUR ARMED FORCES

LANCE CORPORAL LARRY JOHNSON

Mr. CASEY. Madam President, I rise for two purposes this morning. The first is to speak about a native of Scranton, PA, who died serving our country in Afghanistan. LCpl Larry M. Johnson, just 19 years old, lost his life in the service to his country in the last couple of days. He becomes for Pennsylvania the 43rd soldier killed in action in Afghanistan, with an additional 191 Pennsylvanians who have been wounded at last count.

When we lose one of our brave young soldiers in Afghanistan or Iraq or anywhere around the world, we have a lot to say about their sacrifice and their service. I often, as we all do at one

time or another, quote Abraham Lincoln: "These Americans gave the last full measure of devotion to their country." No one said it better than Lincoln. He captured the essence of their service and the sense of loss we all feel when someone who is serving their country is lost in combat.

LCpl Larry Johnson's duties were the following: He was the combat engineer. His main responsibility was to combat and detect improvised explosive devices, and we know them by the acronym IEDs. He lost his life doing that work. Just 19 years old, he was a graduate of Scranton High School in 2008.

In instances such as this, probably the best testimony about the soldier's life, their commitment to their country and the sacrifice they made, probably the best testament of all of those subjects comes from members of their family. In this case, there was testimony in news articles over the last couple of days from friends and teachers, but, of course, most poignantly and most movingly from Larry Johnson's family. Yesterday in the Scranton Time-Tribune there was an article among several over the course of a couple of days, but this article in particular focused on Larry Johnson's family. I unanimous consent to have printed in the RECORD two stories, one entitled "Teacher Recalls Scranton Marine's 'Really Good Heart.'" That is the name of the first story. That is February 21. The second story I ask unanimous consent to have printed in the RECORD is entitled "Knock at the Door Brought Tragedy Home for Marine's Kin." That is from Borys Krawczeniuk, February 22.

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

[From citizensvoice.com, Feb. 22, 2010]

FOR MARINE'S FAMILY, KNOCK AT DOOR
BROUGHT TRAGEDY HOME
(By Borys Krawczeniuk)

Johanna Johnson thought she would die first, not any of her four kids.

"You're not supposed to bury your son. Your son is supposed to bury you," Johnson, 43, said Sunday. "It isn't supposed to be this way."

She worried about Larry, her third child, the Marine in Afghanistan, the one who loved the outdoors and a good time and loved his mom so much that he always promised he would someday make sure she no longer had to work. He would buy her a double-block home in California, and she would live on one side and live off the rent from the other half.

"I'm 43 and he's acting like I'm 70," Johnson said.

She worried about him the way a mom worries about a son fighting a war a world away, but this was not supposed to happen.

Two serious-looking Marines are not supposed to come to the door of a tiny, third-floor apartment on Moosic Street in Scranton to report that your son gave his life in service to his country.

Last Thursday, they did.

The official Marine version says Lance Cpl. Larry M. Johnson, 19, of Scranton, died that day "as a result of a hostile incident while conducting combat operations in Helmand province, Afghanistan."

Family members say a Marine who transported his body to the U.S. told them Cpl. Johnson, trained as a combat engineer whose job was to seek and destroy improvised explosive devices, was the victim of one himself. He was part of the renewed thrust into Helmand, the United States' biggest push in Afghanistan since 2001. The goal is to chase away the Taliban.

His funeral will be Thursday or Friday, family members said.

Johanna Johnson was not home when the Marines arrived with the bad news.

She was at work, second day on the job on the assembly line packaging helmet shields at Gentex Corp. in Simpson where they make the helmets American troops wear in places like Afghanistan.

Ashley, 21, Larry Johnson's older sister, heard the knock on the door from the bathroom.

It was a hard knock, she remembered.

"Is your mom home one Marine asked.

"I went to turn away and I was like, 'Wait, did something happen to my brother?'" Ashley Johnson asked.

They never actually said Larry Michael Johnson was dead.

"I just knew," Ashley said. "I saw the look in their face that he was dead. I didn't even have to ask the question."

She broke down. She chokes up re-telling the story.

Her brother, a 2008 Scranton High School graduate, always smiled. He loved to laugh and was good at breaking the silence when a conversation paused with a joke.

He was no more than 5 feet 7 inches tall, and suggesting Larry Johnson would be a Marine might bring a chuckle. He enlisted in October 2008 only two weeks after surprising his mother with his decision.

His father, an Army veteran also named Larry Johnson, would do his best to get his son to bulk up by lifting weights, but pictures show a skinny kid. In a senior prom picture, he has a barely visible pencil-thin mustache.

His sister Ashley always wanted to take care of him.

He wanted to care for animals. As a 10-year-old, he dreamed of being a veterinarian. He owned an unnamed python and could draw highly detailed pictures of animals. Outdoors, he snow-boarded, skied, water-skied, camped, rode all-terrain vehicles and liked to party, family members said. Though he was underage, he liked a beer or two now and then.

"The transformation that these Marines did to Larry was something," said Jeff Whitney, Johanna Johnson's boyfriend, whom Cpl. Johnson viewed as a stepfather. "Not that he was a bad kid, don't get me wrong. But he was headed in the wrong direction, hanging around with knuckleheads. He was headed straight to jail. I kept on him every time. I kept on his butt."

The Marines did the rest. His Marine pictures show a boy turning into a man, with wider biceps and a more rugged look.

He gained respect for others, family members said, always answering, "Yes, sir" or "No, sir." After being deployed to Afghanistan in October, he talked about how he would no longer take life for granted.

At Christmas, he sent his mother a deep fryer and a crock pot he bought online from Wal Mart.

On patrol, he would sometimes call her via a satellite phone, sometimes when he should not have.

"He'd be out on a mission and he would call me," Johanna Johnson said. "He always worried about his mother."

The last three weeks, well before he died, he did not call. It is now apparent to family members that he could not because the mis-

sion was being planned, and secrecy was essential.

"I was stressing over my phone not ringing," Johanna Johnson said. "I kept saying 'Why isn't he calling me? I wish he would call me.'"

[From the Scranton Times-Tribune, Feb. 21, 2010]

"TEACHER RECALLS SCRANTON MARINE'S
"REALLY GOOD HEART"
(By Erin L. Nissley)

Jennifer Brotherton remembers former student Larry M. Johnson as a good-natured kid who almost always had a smile on his face.

When the Scranton High School teacher heard Friday the 19-year-old 2008 graduate was killed while serving with the Marines in Afghanistan, she was shocked.

"He had a really good heart and he was so full of energy," said Ms. Brotherton, who was Lance Cpl. Johnson's English teacher in 2006-2007.

"Any time a child dies, it's too soon," she added.

Lance Cpl. Johnson was a combat engineer assigned to 2nd Combat Engineer Battalion, 2nd Marine Expeditionary Brigade. He joined the Marines after graduating from Scranton High School and was promoted to lance corporal on Dec. 1.

Information released Saturday by military officials indicates that Lance Cpl. Johnson died Thursday "as a result of a hostile incident while conducting combat operations" in Helmand Province, Afghanistan. His remains arrived in Dover, Del., on Saturday.

Efforts to contact family members were unsuccessful.

Scranton School District officials plan to reach out to the family in the coming days "to see what they might need," said Gregg Sunday, the district's business manager.

"I can't imagine what the family is going through right now," Mr. Sunday said. "It's a tragedy."

Lance Cpl. Johnson was deployed to Afghanistan in October. His awards include the Afghanistan Campaign Medal, National Defense Service Medal, Global War on Terrorism Service Medal and NATO International Security Assistance Force Medal.

Mr. CASEY. The one that focused on his family begins with this line, speaking of Larry Johnson's family:

Johanna Johnson thought she would die first, not any of her four kids.

This is what Larry's mom is quoted as saying in the second line of the story:

You're not supposed to bury your son. Your son is supposed to bury you. It isn't supposed to be this way.

The story went on to talk about what Larry's hopes and dreams were, not only for himself but for his own mother. The story says that Larry Johnson "loved his mom so much that he always promised he would some day make sure she no longer had to work. He would buy her a double-block home in California, and she would live on one side and live off the rent from the other half." That was a soldier's dream for his mother—just 19 years old and not only thinking about the rest of his life, not only volunteering to serve his country in the Marine Corps and going to Afghanistan, but to have a dream—a dream for his mother's future that he hoped to bring to fruition.

Larry Johnson's sister Ashley is 21 years old, just 2 years older than

Larry. She talked about the knock at the door that no family, no mother or father, no brother or sister—no loved one—ever wants to be present for. But Ashley heard the knock at the door. It was a hard knock at the door, she remembered. The one marine who was at the door asked, "Is your mom home?"

This is what Ashley said after that. She went to turn away, and she asked herself: Wait, did something happen to my brother? He never actually said—the marine at the door—that Larry Michael Johnson was dead, but Ashley said the following:

I just knew. I saw the look on their face that he was dead. I didn't even have to ask the question.

The story goes on to talk about Larry's father, by the same name—Larry—who was an Army veteran who served his country as well. It is talking about how his father prepared him to go into the Marine Corps once Larry made the decision to become a marine.

Then the story ends with a couple of references to, again, Larry's mom—the one he had a dream for, the one he wanted to build a house in California for someday in the future. The story says:

At Christmas, he sent his mother a deep fryer and a crock pot that he bought online from WalMart.

He wanted to send that to her.

It says:

On patrol, he would sometimes call [his mother] via a satellite phone, sometimes when he should not have.

But, again, he loved his mother.

Johanna Johnson is quoted toward the end of the story:

He'd be out on a mission and he would call me. He always worried about his mother.

There is really not a lot more I could say about his life and his sacrifice than what was contained in this story about what it means to serve, what it means to give, as I said before, in Lincoln's words, "the last full measure of devotion to your country." But we know that when these lives are lost, it is not just about service, it is not just about combat and the military or the Marine Corps. All of that is relevant and critically important, but in the end these stories are about families, about mothers and fathers and brothers and sisters.

For those who have loved and lost, we do our best to try to understand, but we can never fully understand what Johanna Johnson and her family are living through these last few days and will live with the rest of their lives. They will be able to manage that loss. They will be able to move on. But they will never be fully recovered from that kind of a loss.

We are thinking of Larry Johnson and his family today. We are praying for them. We want him and his family to know, in our own small way, how much we appreciate his sacrifice.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3017 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, which the clerk will report.

The bill clerk read as follows:

A House message to accompany H.R. 2847, an act making appropriations for the Departments of Commerce and Justice and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 3310 (to the House amendment to the Senate amendment), in the nature of a substitute.

Reid amendment No. 3311 (to the amendment No. 3310), to change the enactment date.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to talk about what I believe should be our top priority, almost our exclusive focus in terms of immediate work, and that is the issue of jobs and the economy. Doing so, I applaud the fact that finally as a body we are somewhat focused on that. We are debating a bill having to do with job creation, economic growth. But at the same time, I find it unfortunate, really sad, that as we take up that top agenda item for the American people we do so by taking up a bill of the majority leader, which is fine, but in a way under which he completely shuts out any opportunity for amendment on the floor of the Senate.

Again, I find that process really unfair and unfortunate. The fact that

every Republican idea, every Republican amendment is just being shut out is really frustrating, even angering to me as a Republican. But the issue isn't Republican and Democrat. The issue is what is good and right for the American people. The fact is that ideas and amendments on the Senate floor, which is supposed to be a place of unlimited debate, virtually unlimited ability to offer good ideas, to offer amendments, that is being completely subverted, and all amendments are being shut out.

Because of that, I am going to ask unanimous consent that we break out of that logjam, that we break out of that bitter partisanship and consider, with an open mind, one amendment I am bringing forward. But let me spend a few minutes outlining that amendment.

As we look on the job picture and the economy over the last year, as I talk about that job picture over the last year with folks in my State, I hear two dominant concerns. No. 1, we are still in a heck of a recession. The job creation that was promised a year ago with the stimulus just hasn't panned out. The promise of staying below 8 percent unemployment, minimizing that job loss, clearly, tragically, unfortunately never panned out. The President promised his stimulus would keep us below 8 percent. Unfortunately, as we all know, unemployment nationally went above 10 percent. Right now it still hovers near 10 percent, just a shade below that. And, again, unfortunately, the Federal Reserve has issued a report recently warning that sort of high level of unemployment would be with us for several years to come.

What I hear from Louisianans all around the State—and I would certainly trust what Members from every State of the Union hear in their home States—is that we need a better model to create jobs, to jump-start this economy, to get us out of this serious recession.

The other big theme and concern I hear all around Louisiana is: What are you all doing about this unsustainable level of spending and debt? I share that fear. I share that concern. Even as we struggle to get out of this recession—and we are not near there yet—I am fearful that the next economic crisis is coming based on spending and debt, unsustainable levels of spending and debt. We are near debt levels today comparable to where this Nation was at the end of World War II compared to GDP.

I don't like the idea of going into heavy debt for anything, but if we are going to do it as a nation, surely the reason we had with World War II, the need to build a modern Army overnight, unlike any military we had ever had before that, to defeat Hitler, to preserve freedom and democracy, literally our way of life, surely that reason is a pretty darn good one. That is why we as a nation went into debt, got up to 120 percent of GDP at the end of World War II.

The "greatest generation" that did that, that sacrificed and fought and won that war, turned around after the war and wiped away that debt, sent it down with great prosperity and fiscal restraint in the 1950s. But today we are nearing those same historic high levels of debt, with our overall debt now at about 100 percent of GDP, but, obviously, without the historical circumstances such as we had in World War II.

The other thing we don't have is that plan to get rid of it, that determination to reverse course and get our fiscal house in order because we don't have that plan either. In fact, we are in a huge fiscal debt hole, and we have not even stopped digging. In fact, the only thing this administration and this liberal Congress have done in the last year is to put down the shovel digging and used a backhoe instead, specifically to pass a budget that takes that historically high level of debt and doubles it in 5 years and triples it in 10 years.

In the face of those two enormous challenges, we need to create jobs much more effectively than we have in the last year, and we need to get spending and debt under control.

I proposed last March legislation that I and my cosponsors called the no-cost stimulus act. The no-cost stimulus act is about just that, creating great American jobs, stimulating the economy, helping us get out of this recession, using a fundamentally different model than the last year, at no cost to the taxpayer, not continuing to drop hard-earned taxpayer dollars out of helicopters—a fundamentally different approach at no cost to the taxpayer.

In fact, it will produce new Federal revenue and lower our level of deficit and debt.

How do we do that? We do it by focusing on our domestic energy sector, by opening access to domestic energy we have in great quantities in this country, by decreasing our reliance on foreign sources and creating great American jobs in the process. Again, we do this by opening access to our tremendous energy reserves we have.

We are the only country on Earth that has major, significant energy resources but that puts 95 percent of them off limits under Federal law and says: No, no, no, no, you cannot touch that. You cannot touch 95 percent of our domestic energy resources.

We need to change that both to improve our energy situation and to create good American jobs because the answer on the energy front is not either/or. It is not either drill for traditional sources, such as oil and gas, or develop new technology, new research and development. The American people know it is not either/or; it is all of the above, and we need to do all of the above aggressively.

This bill fits right into that commonsense, all-of-the-above mentality of the American people. We open access to domestic energy reserves. We produce

more energy here at home. In doing so, we grow great American jobs—2 million long-term, sustainable, well-paying jobs. In doing that, we increase GDP by as much as \$10 trillion over the next 30 years.

But we accomplish even more. We lessen our dependence on foreign sources. We do not spend additional taxpayer dollars and go deeper into debt. By creating these jobs and domestic energy, we actually increase Federal revenue. Because what happens when we open our energy resources for production? That production comes online, royalty goes to the Federal Government—new Federal revenue—and we decrease deficit and debt. It truly is a win-win-win.

Part of that is also focusing on the nuclear side, developing what many folks, including the President, have talked about but which we have not accomplished yet: a true nuclear renaissance, a true streamlining of nuclear programs so we can dramatically increase that capacity, particularly producing electricity.

Finally, let me mention the other part of the win-win-win which is in this legislation. We devote some significant portion of the new, additional Federal revenue created to alternative energy research and development. So, again, it is not either/or; it is all of the above.

This proposal has significant support. I am very proud to say we now have 18 Senators who are coauthors of the proposal. There is a companion bill in the House with 50 coauthors there. So it is a significant proposal with significant support. It represents a win-win-win for the American people and the American economy in this time of serious recession.

So why shouldn't this be actively considered and debated and voted on, on the floor of the Senate? We are supposed to be considering a jobs bill. That is progress. At least, finally, we are focused on jobs. But why is every alternative, every amendment being shut out by the majority leader, including this valid alternative?

So in that vein, Mr. President, I ask unanimous consent that it be in order for me to offer amendment No. 3318, which is filed at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN of Ohio. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Well, again, I came to the Senate hearing this was the body of full and open debate, full and open consideration of amendments. The problem is my experience here in 5 years has been anything but that, including yet again this week on this legislation, as we are trying to address the top issue of the American people: jobs and the economy.

Why can't we have a full debate? Why can't we have open consideration of amendments, including this alternative model to continuing to spend

taxpayer dollars, increasing deficit and debt at an alarming rate. Again, I find it unfortunate that is the partisan procedural position we are in. But I will continue with my Senate coauthors, with the 50 House coauthors of this no-cost stimulus proposal to advance this idea as part of a reasonable solution to grow good jobs without having to spend another trillion dollars of hard-earned taxpayer dollars and increased deficit and debt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I come down to the floor and I hear the Senator from Louisiana saying he has been in the Senate for years and he cannot believe we cannot debate these things. I have watched over the last 13 months since President Obama took the oath of office—13 months and less than a week—and I am incredulous the Senator from Louisiana would say what he says; that we, in fact, do not allow debate in this institution, when more than 100 times, just in the last 13 months—I think maybe 110 times; I cannot keep count because we add a few every day or every week—more than 100 times the other party, the Republicans, have obstructed, have delayed, have stopped us from moving forward.

We have had plenty of time to debate. We will stay here weekends. We will stay here evenings. But when it is not debate they want, it is to block things—maybe talking things to death is the way they block things; maybe they just object to things—but time and time again we have had the “slow walk” on health care, so we have not been able to put a bill on the President's desk. That is not because people do not have ideas. It is not because people want to shut down debate. It is because they have tried to stop these bills on issue after issue after issue.

I remember something so simple as the children's health insurance bill, which President Bush vetoed but many people in both parties supported. They tried to slow that down. They tried to slow the Lilly Ledbetter legislation which we passed to try to make sure women doing the same job in the same place are paid as much as men doing the same job in the same place.

I could stand here, Mr. President, as you could, representing your constituents in Santa Fe and Taos and all over New Mexico—you could do the same as I can do, representing my constituents in Toledo and Dayton and Galion and Saint Clairsville—and point out that when we have tried to get things done, they have blocked it.

We do want bipartisanship. But the public, more than anything, wants us to get things done. The Senator from Louisiana has been one of the leaders, in conjunction with one of his other regional Senators, who has said health care could be President Obama's Waterloo. There are people in this institution on the other side of the aisle—not

all of them; the senior Senator from my State, GEORGE VOINOVICH, has cooperated a lot of times on a lot of things, unlike some of his colleagues, but there are senior Senators on that side of the aisle, where their goal is to see the President of the United States fail. If the President of the United States fails, this country does not move forward.

We are in the worst economic times of my lifetime, brought on by terrible policies in the last 8 years: bank deregulation, tax cuts for the rich, a war not paid for, a giveaway to drug companies and the insurance companies in the name of Medicare privatization, causing all these problems that we inherited a year ago, and all they want to do is stop the jobs bill. They voted last night—the Senator who just complained about not being able to debate voted last night not to even allow the bill on the floor, as he did on health care, as he has done on issue after issue after issue.

It is not personal to me what they are doing, but it is certainly wrong when they try to block issue after issue, bill after bill. We can disagree on what we need to do to bring this country forward. We can disagree on the jobs bill. We can disagree on the health care bill. But we ought to be able to agree we can have full debate, move forward, work on this legislation, and pass it in a reasonable time so every Senator does not talk it to death in the way of stopping it, in the way of obstructionism.

I yield the floor.

RECESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate now recess until 2:15 p.m., as provided for under the previous order.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as in morning business.

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

METRO SAFETY

Ms. MIKULSKI. Mr. President, I rise to speak about the current state of affairs in the Washington Metro and why we need to bring about change. The Washington Metro, America's subway, is in trouble. I fear for its safety. I fear for its operational reliance. I fear for the well-being of both the passengers and the workers who ride Metro.

Every morning, I am afraid to wake up and find out that there has been another accident or death on the Washington Metro. Most recently, a Metro

train carrying 345 passengers derailed underground in the heart of downtown. It was Friday when the Federal Government reopened after our big No. 2 blizzard. The train somehow managed to get on the wrong track as it was leaving the station. Thank God a safety device actually worked and pushed the train off of the wrong track to prevent it from crashing into another train. Thankfully, a near miss.

In June, there was a terrible crash of the Metro, cars upon cars upon cars. Since that time, 13 people have died on the Metro, and there have been countless injuries. That is why that terrible day after our No. 2 blizzard, many sat in the dark, scared to death. They were afraid of being crashed into, which had happened before. They were afraid of fire. They were afraid of smoke. They were afraid of being trapped and, most of all, they were afraid that Congress would fail to act.

I wish to salute the Subcommittee on Housing, Transportation, and Community Development chaired by my good colleague Senator BOB MENENDEZ, for taking a great interest in this and introducing legislation that the administration sanctions to begin to get Metro on the right track. We need to do this.

Last year, after the nine people were killed, I introduced legislation to give the Transportation Secretary the authority to establish Federal safety standards for Metro systems around the country. There had been none. It would require the Transportation Secretary to implement the National Transportation Safety Board's most wanted safety recommendations.

After accidents on subways, after accidents on our Metro, the NTSB comes in and investigates. Gee, are we glad to see them. They are the CSI meets Metro. At the end, they not only tell us what went wrong, but what we have to do to get it right. Well, guess what. We don't listen to them. After every accident, there is press—we are going to make changes—but nothing happens. So, for example, the issues they have recommended relating to crashworthiness standards for cars, emergency entry and evacuation standards, data event recorders, often go unheeded. We have to make those changes, and we need to take another step.

Today, I take another step by joining Senator MENENDEZ, Senator DODD, and Senator CARDIN on the Public Transportation Safety Program Act. This is an idea that we have worked on, along with the administration, to give the Transportation Secretary the authority to establish Federal safety standards. It also strengthens State oversight programs that inspect and regulate the Metro systems. Because Washington Metro is in two States and in the District of Columbia—Maryland, Virginia, and DC—it has the Tri-State Oversight Committee. But you know what. The Metro board doesn't have to pay any attention. In fact, we had to raise cane and pound the table to allow

them to work with the safety inspectors and actually walk the tracks to try to get some action. We had to muscle our way in, just trying to get the Tri-State folks involved in safety.

Well, for me, right now, the spotlight is the Washington Metro. My obligation is here. There are other Metro systems around the country that this bill will also deal with, but right now, myself and Senator CARDIN, John Warner—MARK WARNER—John Warner in his time—JIM WEBB, and Congresswoman ELEANOR HOLMES NORTON want to work together. We want to work with the Banking Committee to pass legislation that would bring about change. We want to make sure that when we make recommendations, the FTA—the Federal Transit Authority—has the authority to implement the changes and to make sure that Metros both here and around the country implement them.

We also want to require that the implementation of the NTSB's most wanted list is absolutely done so when we say let's have crashworthy standards for our cars, it is actually implemented. Did you know we have standards for everything that is involved in transportation but not standards for the safety or the crashworthiness of these cars? These two bills are important because there are no Federal safety standards for Metro systems. Rail transit is the only transportation mode without safety standards oversight or enforcement. As I said, we have safety standards for airplanes, commuter rail systems, even buses, but Metro systems do not have standards, even though the rail transit has 14 million daily riders. Up until now, safety has been left to the States. Each State has its own safety enforcement practices, but in our case of the Washington Metro, which travels in two States and the District of Columbia, we need to make sure we have a system that is appropriately regulated.

The bill that was introduced by the Banking Committee and Senator MENENDEZ yesterday, which I support, does two things. It gives the Transportation Secretary authority to establish safety standards for Metro, light rail, and bus systems nationwide. It provides a framework for developing and enforcing those safety standards, and it will look at existing industry standards and best practices. It would also have to consider the NTSB's recommendations.

I think about those 13 people a lot. I think about the people who ride the Metro. I think about the people who work on the Metro. So when we talk about this legislation, we have to think of it not in terms of rail cars and money but in terms of people and in terms of safety.

That is why I introduced the National Metro Safety Act in July after the accident, joined by my colleague Senator CARDIN. It enables the Transportation Secretary to develop, implement, and enforce those national safe-

ty standards, and it requires DOT to implement the NTSB, the National Transportation Safety Board's, most wanted safety recommendations. They have what they call their top 10. It would have standards for the crashworthiness of cars. It would mandate evacuation standards so that people could get out of these cars in the event of an accident. It would have the black box data recording device so we could trace what happens on a car and have the lessons learned. It would also deal with the hour of service regulations for train operators. It requires that we do these actions.

So for these issues—the crashworthiness, the train cars, the emergency entry and evacuation, data—all of this has been recommended in the past by the NTSB. In 2002 they recommended data event recorders. Nothing happened. They recommended emergency evacuation standards in 2006. Nothing happened. They recommended hours of service to make sure our people were fresh and fit for duty. Nothing happened. We know what happens: accidents in which people die, are maimed, burned, or injured.

It is time we listened to the experts who advise us. It is time that we ensure the safety of the people who ride the Metro here. It is time that we take action and be able to bring this under the Federal Transit Authority. The people who count on us when they get on a subway should be able to count on us to do all we can to ensure their safety.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise today to take on a cause which I know is close to the hearts of my colleagues on the other side of the aisle, which is to assert the privilege of pay-go. I have heard innumerable arguments made on the other side of the aisle about the importance of the pay-go mechanisms in this Congress: how pay-go will be used to discipline our spending as a Congress and how pay-go is the way we get to financial and fiscal responsibility as a Congress. In fact, 2 weeks ago, I believe it was, the majority leader came to the floor and offered a brandnew pay-go resolution as a matter of statute and said that this is one of the key pillars of the majority party and the President in the area of how you discipline spending and bring our spending house in order. The President has mentioned pay-go on numerous occasions also.

Why all this talk about pay-go? Because I think people are beginning to realize—certainly our constituents—that the government is spending too much money; that we are running up too much debt; that we are passing bill after bill after bill in this Congress which we are not paying for. The cost of those bills is going to our children. We are going to double the Federal debt here in 2013. We are going to triple the Federal debt in 2019 under the President's budget and the budget

passed by the Democratic leadership in this Congress. The Federal debt increases by \$11 trillion over the next 9 years of this budget that is being proposed by the President—\$11 trillion. We get to a point where our Nation is basically spending so much and borrowing so much that our financial house is unsustainable.

Those are not my words. Those are the words actually of the Secretary of the Treasury and the head of OMB. They both said their own budget that they sent up here was unsustainable in its present form because it spends so much more money than we have, and those bills get passed right on to our kids.

Well, in defense of their sending up a budget that spends all of this money we don't have and doubles the debt in 2013 and triples it in 2019, they said they were going to assert pay-go rules which would discipline this Senate on the issue of spending. At the time they made that assertion I said, Oh, come on, give us a break. Over the last 3 years that this Congress has been under Democratic control, under liberal control, in over 20 instances, pay-go as it presently exists in the law was waived, costing over \$½ trillion in new spending. Approximately \$½ trillion that should have been subject to pay-go rules was waived—simply waived—by the other side of the aisle: We are not going to pay attention to pay-go rules, we are going to spend the money and add the debt to our children's backs.

I think the American people notice this and are certainly frustrated about this, because they intuitively understand—it is called common sense—if you spend all of this money you don't have, the debt is going to come back to roost on our children's backs and it reduces their quality of life. Obviously, if you have a government that runs up deficits which exceed the capacity of our ability to repay them, it is our children who end up paying the cost of that profligate spending. It is our children who end up with these bills. Their standard of living will be reduced as a result of all of this new deficit and debt this Congress has passed and which this Congress has proposed.

So for political cover, they called up a couple of weeks ago this pay-go resolution and said we are going to assert pay-go around here on everything that comes through this Congress. We are going to make sure the financial house of this Congress is disciplined by the rule of pay-go.

Well, that is why I want to help them, because here is a new bill on the floor of the Senate.

It violates pay-go. It violates their own rules. It violates this great sanctity that they claim was going to be the cause of fiscal discipline—the pay-go rule. Just a few weeks ago, we passed a pay-go resolution here. What did we get? Within 2 weeks, we have a bill that violates the pay-go rules.

The pay-go rules, as we have them—and they are the law, the rule of the

Senate today—say that pay-go will apply for any legislation that increases the deficit in the first 5-year period or in the first 10-year period. This bill has been scored by CBO as violating that rule. It increases the deficit by \$12 billion, unpaid for, in the first 5-year period. This bill is, therefore, subject to a pay-go point of order.

We are going to hear a specious argument from the other side of the aisle that, well, in the year 2020 we account for all this and we get the money back. Well, I don't believe that. I don't believe the check is in the mail either. The American people don't believe that. More importantly, the rules of the Senate don't allow that. The rules of the Senate make it very clear that if it adds to the deficit in the first 5 years, it is subject to a pay-go point of order. And this is not a small amount here; \$12 billion is a lot of money. I know that under the way we function here, and we talk about trillions—and the President rolled out just yesterday a new \$100 billion or \$200 billion package of health care, added to a \$2.4 trillion package of health care—I know that billions become lost sometimes in that debate. But \$1 billion is a lot of money, and this is \$12 billion added to our children's backs in the way of deficit and debt. Most Americans see that as a lot of money. You could run the entire State government of New Hampshire for about 3 years on that. Yet we are going to run up the deficit by \$12 billion, in violation of our own rules.

There is something even more outrageous about this bill. It is pretty outrageous that we would have all the sanctimonious discussion from the other side of the aisle about how they are going to live by pay-go 2 weeks ago and then have the first bill they bring forth violate the rules of pay-go. That is pretty outrageous in and of itself. But this bill, in an act of gamesmanship that really deserves a special award—maybe a gold medal at the Vancouver Olympics for gamesmanship in fiscal policy and how you basically pass on to your children a major new debt without telling them it is coming—certainly this bill would deserve a gold medal in that category.

On top of the pay-go violation, this bill creates \$140 billion of deficit and debt. Now, even on the other side of the aisle, that has to be considered a lot of money. Maybe they don't consider \$12 billion a lot of money, but \$140 billion has to be big money. So \$140 billion of deficit and debt is built into this bill even though the bill, on its face, states that it only spends \$12 billion or \$15 billion, something like that. How do they do that? How could that possibly be? Because what they have done here—and as I said, this deserves a gold medal for manipulating the financial house of the Senate and the Congress in a way that is avoiding actual accountability for the debt you are adding onto our children's shoulders—is they have put into the baseline the highway money. So the billions in

highway money for this year in this bill, multiplied out over 10 years, comes to \$140 billion, and then they have claimed that is all offset, all that money is offset. How do they claim it is offset? Well, it is tactical, but follow this because it is the ultimate game in double bookkeeping—something Al Capone might have done were he running the books of the Senate. There is a highway trust fund that doesn't have enough money to pay for the roads they want to build—the highway committee in this Congress, the EPW Committee. They want to build more roads than the trust fund has money coming in for, so they take money from the general fund and transfer it to the highway trust fund.

They allege that 10 years ago or so, the highway trust fund lent money to the general fund and no interest was paid on that money lent to the general fund. First off, at the time they passed the law that said no interest was to be paid on it—but it would be ridiculous to pay interest between the two funds anyway—even if you accepted that argument, you couldn't get to the numbers they are talking about. What they have done is claimed that any money that comes out of the general fund to fund the highway fund is an offset. That is an interesting concept. Therefore, it doesn't get scored against the deficit by the highway fund.

Where do we get the money we took from the general fund to fund the highway fund? The answer is pretty simple: We borrow it from China, from Saudi Arabia, from Americans, and our kids get a bill called a piece of debt that they have to pay off. This double-entry bookkeeping, in the tradition of Al Capone basically, when simplified, means that it adds \$140 billion of new deficit and debt to the general fund, which has to be paid by our kids—not offset, unpaid for, simply money spent.

Do you know something. We are spending a lot of money around here that we don't have, and it is not right. I think the American people would like us to stop that. If we are going to spend this money on roads, then let's pay for it. Don't hide the fact that you are not paying for this with some gamesmanship called offsetting highway fund with general fund money. I think that is a pretty cynical act. If you don't have the courage to stand before this Congress and say publicly that we want to spend \$140 billion and don't want to pay for it, then you are not fulfilling your responsibility to your constituents, because that is what you are doing. You have an obligation not to try to hide what you are doing in some sort of bookkeeping manipulation, which gets you a gold medal for bookkeeping manipulation but certainly doesn't do anything for transparency and honesty in government, on top of having a pay-go violation—\$12 billion as scored by CBO.

This point of order lies. There is \$140 billion of new spending proposed in this bill, which isn't paid for. It is spending

that isn't paid for, and it is authorized and going to be spent. That is pretty inexcusable because it is claimed that it is paid for, which is the real hypocrisy of what we are seeing.

My colleagues on the other side may vote against this point of order. I cannot understand how they can do that, and I cannot understand how, when the majority leader comes down here—and I am sure he will or one of his representatives will—and says pay-go should not lie here because in 2020 we are going to pay for all this, that they can claim anything other than the fact that a pay-go point of order lies. I mean, it does lie.

What is a pay-go point of order? It is the CBO telling us that we have violated our own rules, called pay-go, and we are spending money that goes to the deficit—in this case, \$12 billion.

So as a very practical matter this is a pretty black-and-white situation: either you are for enforcing fiscal discipline here with a pay-go point of order or you are not. I have to say, if this pay-go point of order fails, then I think we ought to follow it up with a unanimous consent that says we are going to rid ourselves of pay-go as an enforcement mechanism because we are then saying it doesn't mean anything. Clearly, that would be the only conclusion you could reach.

A pay-go point of order makes it clear: There is \$12 billion of deficit spending in the first 5-year window, which violates the pay-go rules set up by this Senate and specifically proposed and promoted by the Democratic majority as a way to give us fiscal discipline, and we are ignoring it, overruling it, and we are bypassing it with this piece of legislation if we do waive the pay-go rule.

At this point, I make a point of order that the pending amendment offered by the Senator from Nevada, Mr. REID, would increase the on-budget deficit for the sum of years 2010 to 2014. Therefore, I raise a point of order against the amendment pursuant to section 201(a) of S. Con. Res. 21, Concurrent Resolution on the Budget for Fiscal Year 2008.

Mr. CARDIN. Mr. President, I move that the point of order be waived.

Mr. GREGG. Mr. President, I ask for the yeas and nays on the motion.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I ask unanimous consent that my waiver of the relevant point of order that was re-

cently entered into include all relevant points of order that were raised.

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

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

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

Mr. CARDIN. Mr. President, I rise today on the occasion of Black History Month to recognize the accomplishments of three leading Marylanders in American medicine. Established by Howard University historian Carter G. Woodson in 1927 as Black History Week, this now month-long celebration is an opportunity to elevate awareness of Black Americans' contributions to our Nation's history.

It is customary for American families to spend time in February learning more about famous Black Americans who helped shape our Nation, including Marylanders Harriet Ross Tubman, the "Moses of her people," who ran the Underground Railroad, and Justice Thurgood Marshall, the first black Supreme Court Justice and the architect of the legal strategy leading to the 1954 landmark *Brown v. Board of Education* decision.

Today, I come to the Senate floor to highlight the contributions of three Marylanders who are currently at the pinnacle of the medical profession—Dr. Ben Carson, Dr. Eve Higginbotham, and Dr. Donald Wilson.

I have spoken before on the crushing burden of health disparities on our health care system and the urgent need to eliminate them. It is an issue directly affecting one out of every three Americans: 37 million African Americans, 45 million Latinos, 13 million Asians, 2.3 million Native Americans and Alaskan Natives, and 400,000 Hawaiians and Pacific Islanders in our Nation. While minorities represent one-third of our Nation's population, they are fully one-half of the uninsured. So when we enact legislation that expands access to millions of uninsured Americans, it will make a difference in minority communities, in minority health overall, and in the health of our Nation.

But providing access to comprehensive health insurance addresses only one of the factors contributing to health disparities. Research informs us that even after accounting for those who lack health insurance, minority racial and ethnic groups face inequities in access and treatment; and they have adverse health care outcomes at higher rates than whites. Even when insurance status, income, age, and severity of conditions are comparable, racial and ethnic minorities tend to receive lower quality health care. Therefore, coverage is not enough.

Despite many attempts over the years by health policymakers, providers, researchers, and others, wide disparities still persist in many facets of health care. When it comes to equitable care for minorities, low-income,

geographic, cultural and language barriers, and racial bias are found to be common obstacles. These inequities carry a high cost in terms of life expectancy, quality of life, and efficiency, and they cost our Nation billions of dollars each year.

Researchers from Johns Hopkins University and the University of Maryland found that between 2003 and 2006, racial and ethnic disparities cost the Nation more than \$229 billion in excess direct medical costs. Adding indirect costs reveals a staggering \$1.24 trillion from lost wages and premature and preventable deaths and disabilities. By elevating the focus on health disparities, we can bring down these costs and improve the quality of care across the board.

If we are to improve the health care status of Americans, we must focus on and eliminate these disparities. One step is ensuring every community has a sufficient supply of well-trained medical professionals, and this is where our Nation's academic medical centers play an essential role. All three physicians—Drs. Carson, Higginbotham, and Wilson—shine as leaders in their medical profession and have devoted their careers to academic medicine.

First is Dr. Benjamin Carson, a world-renowned pediatric neurosurgeon who works daily to save and improve the lives of children as director of pediatric neurosurgery at Johns Hopkins. Dr. Carson's story is truly inspiring. He was born and raised in Detroit by a mother who encouraged Ben and his brother to work hard and succeed in school. Dr. Carson graduated high school with honors and was admitted to Yale University to study psychology. He attended the University of Michigan Medical School, specializing in neurosurgery. Dr. Carson completed neurosurgery residency at Johns Hopkins Hospital, where at age 33 he became the youngest physician ever to head a major division there. Dr. Carson has surgically separated several pairs of conjoined twins and has pioneered new, groundbreaking procedures to save children's lives.

Most notable among Dr. Carson's numerous accolades and honors is the Presidential Medal of Freedom, the Nation's highest civilian award, which he received in 2008. In addition to his surgical acumen, Dr. Carson is a dedicated community activist. He is president and cofounder of the Carson Scholars Fund which recognizes young people of all backgrounds for exceptional academic and humanitarian accomplishments. He is also president and cofounder of the Benevolent Endowment Network Fund, an organization that works to cover the medical expenses of pediatric neurosurgery patients with complex medical conditions.

Second, I wish to recognize Dr. Eve Higginbotham, an internationally recognized physician who was recently appointed senior vice president and executive dean for health services at Howard University. Dr. Higginbotham is

the first woman to chair a university-based ophthalmology department in the United States, and she held this position at the University of Maryland School of Medicine in Baltimore from 1994 to 2006. Her next appointment was dean and senior vice president for academic affairs at Morehouse School of Medicine in Atlanta.

Dr. Higginbotham is a frontline warrior in the fight to eliminate health disparities. As a member of the Friends of the Congressional Glaucoma Caucus Foundation, she developed a glaucoma screening training program that has been implemented in more than 40 medical schools nationwide. Through this program, medical students provide glaucoma screening to elderly residents in underserved communities, making possible early detection and treatment for the leading cause of blindness among African Americans.

Dr. Higginbotham was recently inducted into the American Academy of Arts and Sciences. She has served on the boards of the American Academy of Ophthalmology, Women in Ophthalmology, and the National Space Biomedical Research Institute. She is also a past president of the Baltimore City Medical Society and the Maryland Society of Eye Physicians and Surgeons.

Finally, I wish to recognize Dr. Donald Wilson, who was Dr. Higginbotham's immediate predecessor at Howard University. Dr. Wilson served as dean of the University of Maryland School of Medicine from 1991 to 2006. The University of Maryland's medical research funding increased nearly fivefold, from \$77 million to \$341 million during Dr. Wilson's leadership. His tenure at Maryland distinguished him as the Nation's first African-American dean of a nonminority medical school. While at the University of Maryland, Dr. Wilson also served as the director of the Program in Minority Health and Health Disparities Education and Research.

Dr. Wilson has also chaired Federal health committees at the NIH and the FDA, as well as serving on the advisory council of HHS's Agency for Health Care Policy and Research. He was chairman of both the Association of American Medical Colleges and the Council of Deans of U.S. Medical Schools. And he was the first African American to hold each of these positions. He is a member of several medical and research societies, including the Institute of Medicine of the National Academy of Sciences and the Association of American Physicians. He is a master of the American College of Physicians, an honor bestowed on fewer than 1 percent of its members. Dr. Wilson also cofounded the Association for Academic Minority Physicians in 1986.

Numerous honors and awards have been bestowed upon Dr. Wilson, including the Baltimore Urban League's Whitney M. Young, Jr., Humanitarian Award. In 2003, he received the prestigious Frederick Douglass Award from

the University System of Maryland Board of Regents. Dr. Wilson is also the recipient of the Institutional Leadership Diversity Award from the Association of American Medical Colleges Group on Student Affairs-Minority Affairs Section.

Drs. Carson, Higginbotham, and Wilson are three living reasons why we celebrate Black History Month. Their contributions have made invaluable contributions to American medicine, but they are just the tip of the iceberg in terms of African Americans who have made a noteworthy impact upon our Nation.

I ask my colleagues to join me in recognizing the contributions of these three noteworthy physicians as this body seeks to make health care available to everyone, and join me in celebrating their accomplishments during Black History Month.

Mr. President, to clarify, my intention on my previous motion to waive was to waive the Budget Act and budget resolutions with respect to the motion to concur with an amendment and that the yeas and nays previously ordered be considered as ordered on the motion as modified. I ask unanimous consent for this request.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I ask to be recognized.

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

Mr. SCHUMER. Mr. President, I rise today to speak about two issues. First, the jobs bill and the provision that Senator HATCH and I worked on that helped break the partisan logjam, and also the need for the Senate to take up and pass up to \$25 billion in FMAP assistance to the States. First, the jobs portion.

During our break, I traveled all around my State from Cheektowaga to Oswego, from Syracuse to Poughkeepsie, from Long Island to New York City. In each place, I talked with people who had lost their jobs. It was heartbreaking. These are people who are looking desperately to find work.

One of the sadder points of this recession is, of course, its depth. It is deeper than all but one recession we have had since World War II. But, second, it seems to affect people at all income levels. If you are poor, if you are middle class, even if you are upper middle class, you can lose your job. Perhaps most painful of all, the amount of time that people are out of work is much longer than previous recessions. In

other words, in previous recessions, you would lose your job, it would be horrible, but you would say to yourself: In 3 or 4 months, I can find a new job quite easily. That has not happened.

In fact, I met people such as a woman in Rochester who worked for a major firm in human resources. She is about 50. She does not have a family, but her job was her life. She was told she had to leave a year and a half ago. She has been looking and looking. Her salary was in the low six figures. She was a very talented person upon meeting her. No work. No job.

I met somebody who came from a blue-collar background. The family had no education. He climbed his way to the top of the tool-and-die industry. He was making a good living. He has six children and a wife who stayed home because when you have six kids, it is not easy to work. He was laid off about a year ago. Again, he has been looking and looking, first with his high skills in his industry, and then he kept looking lower and lower and lower on the pay scale, to no avail. No job. I could repeat this story over and over.

I can see why the people of Massachusetts voted the way they did. I did not agree with it, but I understand it. In my judgment, what they were saying was simple. If you look at the exit polls, about 50 percent of the people in Massachusetts supported the President's health care bill and an equal number against it. But, overwhelmingly, they were saying to us, whether they were for the bill or against it, focus on issue No. 1, jobs—jobs, the economy, helping the middle class stretch that paycheck so they can make ends meet.

That is why I think Senator REID, our majority leader, was so wise to put together the bill he did, the HIRE Act. That is why he reached out to those across the aisle, as did I. That is why I am pleased this vital legislation—hardly a panacea; it is not going to cure all our problems—looks as though it will move forward late this afternoon or this evening.

I am very proud—we are all proud—that we have bipartisan support. I believe the vote later on will be even more bipartisan than the vote to move forward on the bill yesterday. Bipartisan victories such as this have been few and far between. But this could be the start of something good. I hope the bipartisanship will not end with this afternoon's vote.

Unemployment, of course, is not simply a blue State problem or a red State problem; it is an everywhere problem. It will take more than one party's solutions to solve it. So if there is only one issue that we can find common ground on this year, let it be jobs.

We all know unemployment, which is hovering just below 10 percent, is unacceptably high. When you hear the number 10 percent, it is an abstract figure. But if you are a husband or wife, a son or daughter who is out of work, or one in your family is out of work, unemployment is 100 percent.

As the economy shows signs of life, unfortunately millions of Americans remain out of work, struggling to make ends meet with savings and unemployment benefits. There are more than 15 million unemployed Americans. That is not even counting those who have stopped looking for work. There are more than 6 million people who have been out of work for 6 or more months. Each one has a story, a life, usually a family, such as the woman from Rochester I mentioned.

When I go to sleep at night, I sometimes think of the people I talked with last week while we were on break and about their pain at losing their job and their quest to find a new one. Unfortunately, despite their efforts, most of them have not found work.

This recession is unlike anything we have seen since the 1930s. It has created immeasurable hardship and heartache for tens of millions of American families. It doesn't matter if you are in a red State or a blue State. If you are unemployed, you want a job.

Last year, Congress took bold steps to bring our economy back from the brink of collapse, and GDP growth in the last quarter was as high as 5.7 percent. The purpose of the provision Senator HATCH and I have introduced is to take that growth and translate it into jobs because while the economy grew at a very rapid clip—5.7 percent—hardly a job was created. That is a problem because we cannot continue to grow at that rate unless people start going back to work. Until the unemployment rate drops significantly, Congress must do more to help families across the country who are desperately struggling to find work, and this bill is a step in the right direction.

Last year, I believe Congress was right not to add a jobs tax credit to the stimulus package. Economists told us that with the economy shrinking and losing 700,000 jobs a month when the President took office, our focus had to be on stimulating demand. But now that the economy is beginning to grow—at the very worst is flat—a tax credit is what is needed because there are companies that have seen sales blip up and they are wondering whether to hire that additional worker. The Schumer-Hatch tax credit may push them over the edge and they may say: OK, I will hire somebody. Then, instead of the vicious cycle of downward employment we have seen, a virtuous cycle will begin. That company will hire a worker, that worker will go to the stores and buy things, those stores may hire another worker and more money circulates in the economy and we start moving upward as opposed to downward.

After reviewing the criticisms of past tax credit proposals, Senator HATCH and I set out to develop an idea that would address some of the past concerns while honing in on the problem we are trying to solve, which is persistently high and long-term unemployment. I felt we needed a solution that

was simple, immediate, focused, fiscally responsible, and potentially bipartisan. That is what our proposal does.

Let me talk about each word. It is simple. Small business, we know, is the job growth engine in America. But if you tell a small businessperson they have to fill out 40 pages or even hire an accountant before they get a tax credit, they are going to say: Forget about it. But this is immediate. Again, if you tell a small businessperson: Yes, you will get a tax credit, but it will be a year from April when your tax returns come in, they are not going to do it.

Our proposal is immediate. The minute the worker is hired, the benefit begins. As I said, it is simple: All the employer must do is show that the person they are hiring has been unemployed for 60 days—and that is easy to do because they can show 60 days of unemployment benefits—and that is that.

Third, our program is fiscally responsible. It is not a big, huge bureaucracy. It is not a new government agency. The money goes directly to the small business that makes the new hire, and that is why it has bang for the buck. It is estimated that if 3 million people were hired by this credit, it would cost about \$15 billion. Mr. President, \$15 billion sounds like a lot of money, but compared to the stimulus—again, for a different purpose a year ago when the economy was collapsing—the cost of ours is about one-sixtieth, and dollar for dollar it will be focused on jobs.

So it meets all these criteria. It will focus like a laser on the unemployed and will create jobs right away at a reasonable cost. In this day when communication is so important, it can be explained in a single sentence. Any private sector employer that hires a worker who has been unemployed for 60 days will not have to pay payroll taxes on that worker for the rest of the year. That is it. Nothing else. It explains the whole program from start to finish. By the way, if the employer keeps that worker for at least a year, they will receive an additional \$1,000 tax credit.

Our plan is good for business and good for workers. The more a business pays a worker, the bigger benefit they get. Many of the previous programs were aimed, understandably, at workers at the lower income level. But these days, when you have people in our State who make \$60,000, \$80,000, \$100,000 or \$120,000 a year and who can't find work, they will benefit by the same percentage as somebody at the lower end of the spectrum. The sooner the employer hires, the bigger the break because it lasts this year. The employer doesn't pay taxes and the benefits go immediately into the business's cashflow. Unlike other proposals, there is no waiting to receive a tax credit. The employer doesn't pay the taxes to the government in the first place.

Obviously, employers decide to hire workers when it makes business sense. If your sales are declining, no tax in-

centive is going to encourage you to hire somebody. But we are now finding—at this stage of this Nation's incipient and all-too-small recovery—that many businesses, large and small, are finding orders are beginning to rise, sales beginning to increase. It is those businesses that our tax credit is aimed at. This proposal may give them the push they need to add a few workers or hire them a few months sooner than they otherwise might. Either would be a good thing.

I don't wish to delude my colleagues, and I know Senator HATCH, the co-author of this proposal, would agree, that this provision is not a panacea. There are other proposals Congress could, should, and must consider to aid job creation, but I look forward to considering those ideas in the weeks to come. In the meantime, we ought to take advantage of the bipartisan camaraderie, which I hope lasts, and move this proposal forward.

I wish to thank a number of people who helped. At the top of the list is Chairman BAUCUS. When Senator HATCH and I—both members of his committee, the Finance Committee—brought him the proposal, he thought it was a good idea and helped champion it. I wish to thank Leader REID, who jumped right at the opportunity to pass the proposal. I wish to recognize Senator CASEY and Senator GILLIBRAND, my colleague, for the hard work they put into an alternative tax credit idea, which could end up complementing, not replacing, our idea. Finally, last but certainly not least, I wish to thank my colleague, Senator HATCH, as well as Senator GRASSLEY, who worked with us on this proposal to refine it and make it possible to pass, which I believe we will do shortly.

I wish to turn the subject to another pressing issue; that is, the pressing issue of State fiscal relief. While our top priority is putting unemployed Americans back to work, nothing we do on job creation will be truly effective unless we also stop the bleeding caused by State and local budget cuts across the Nation. We cannot, with one hand, incentivize private sector employment while, on the other hand, through inaction, force State and local governments to lay off thousands of firefighters, teachers, health care providers, and other public servants.

Right now, States face the steepest ever dropoff in revenues. My State of New York and so many of the localities I have visited—from large major cities such as New York City and Buffalo, to the smaller towns and villages—are desperate for help. If they do not receive it, they are going to have to lay off thousands and thousands of workers. In the city of New York, they are talking about laying off teachers. That is hurting our seed corn. The number of police officers, at a time of crime and terrorist threats, is declining. That hurts our economy as well as our localities.

New York is not alone. From California to Arizona, to Alabama, to

Maine, and to Mississippi, State Governors have laid out proposals that will unfortunately eliminate jobs and cut critical services in the coming months. In fact, it is estimated, if there is no help, State and local governments will have to lay off 1 million workers—something we can ill afford at a time of this incipient recovery. The cuts couldn't come at a worse time for our fledgling economy. States will be forced to make massive layoffs and they will be cornered into raising taxes on hard-working, middle-class Americans at a time when families can't afford to take another hit and at a time when taking money out of the economy makes no sense at all. It oftentimes makes no sense but now more particularly.

Last week, the Nation's Governors nearly unanimously endorsed a 6-month emergency extension of FMAP, the Federal Medicaid Assistance Program, which would send up to \$25 billion to the States. They know firsthand that job losses in their States would have been much more severe were it not for the significant relief Congress provided for them in last year's stimulus package, particularly through the FMAP program. I know our economy is growing, but out in the States it sure doesn't feel like a recovery yet. Cutting off this assistance now, as the stimulus expires, would be like pulling the rug from under the States just as they are maybe beginning to turn the corner.

I was an ardent supporter of the Recovery Act's FMAP aid because, plain and simple, it saves jobs, and I argued for it then. I am especially proud to have authored a provision that ensured a stream of funding that went directly to county governments. In my State, the Medicaid burden, much of it—too much of it—falls on localities. If we were just to give Albany the money—not just the Albany share but the county share—the counties and New York City might never see that money ever again. So I was able to—with the help of Leader REID and Chairman BAUCUS—write a provision into law that said the locality gets its share directly, and I am urging the Senate to include this language in a new emergency extension as well.

We cannot afford to delay any longer. This economic downturn didn't come with an end-of-the-year deadline. This critical aid to States shouldn't either. So I hope that in the next jobs bill we pass FMAP is a vital part, and I hope, just as with the provision Senator HATCH and I put together, it will get broad bipartisan support. I believe an overwhelming majority of Governors—Democratic and Republican—have already signed a letter urging that that happen, and I hope we will get people from both sides of the aisle to make sure the next jobs bill contains a healthy and robust FMAP extension. The House has already passed it. It is up to us.

We have much yet to do on the job front, but our efforts will be under-

mined if our Nation's Governors are forced to lay off workers and raise property taxes. We need to plug the holes in the dam so our recovery efforts are not washed away. We need to put this great Nation back on a path to prosperity by passing the tax credit Senator HATCH and I have offered and then by moving forward and making sure FMAP is extended for at least another 6 months.

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

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Vermont.

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

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

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

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

RECONCILIATION

Mr. SANDERS. Mr. President, I think all across this country people are wondering about what is going on in Congress and, specifically, what is going on in the Senate. People are using the expression that government is broken and that we seem to be a dysfunctional institution.

The reason for the alarm is pretty obvious. The United States today faces the most serious set of crises we have seen since the Great Depression. Today, some 17 percent of our people are either unemployed or underemployed. This is on top of coming out of a decade where the median family income actually declined. So people by the millions are today working longer hours for lower wages. They are wondering what kind of life is going to be available for their kids. They are having a hard time affording childcare. They are having a hard time affording higher education. We have 46 million people who are uninsured. We have 45,000 people who die every single year because they can't get to a doctor. If we don't get a handle on health care, their costs are going to be doubling in the next 8 years. We recently saw Blue Cross in California asking for a 39-percent rate increase for their premiums. It is not unusual. It is going on all over the country.

People are saying, What is going on? Is the middle class going to continue to collapse? Is poverty going to continue to increase? Are you guys going to get your act together and begin to do something that benefits working families in this country?

It goes without saying that the American people want—I want, you want, we all want—bipartisan efforts to solve these problems, but, most importantly, we want to solve these issues. We have to deal with the econ-

omy. We have to deal with our friends on Wall Street whose recklessness and illegal behavior has driven this country into this terrible recession. We have to deal with it. We have to deal with health care. We don't have a choice. We have to deal with the \$12 trillion national debt. We have to do it.

Unfortunately, I think what the American people are beginning to catch onto is that to have bipartisan ship, you need a "bi," you need two sides coming together. What we have here in the Senate is not two sides coming together but one side, our Republican friends who are saying: No, no, no. If it is good for Obama, it is bad for us. No, no, no. We have had a record-breaking number of filibusters, a record-breaking number of other obstructionist tactics. The end result is the American people are becoming very frustrated.

I do a national radio show every week and every week on that program somebody is calling me up and saying, I don't understand it. When the Republicans were in control of the Senate, they were able to bring forth sweeping proposals. They didn't have 60 votes. What is going on? You guys on your side, those who are Independents and in the Democratic caucus, you have 59 votes, why aren't you doing it? It is a good question.

I think more and more people are talking about using the reconciliation process, which is simply a parliamentary procedure which enables us to pass legislation with the end result of saving taxpayers' money and lowering the deficit. The beauty of that approach is you can go forward with 51 votes, not the 60 votes we are having a very difficult time obtaining, because we are not getting much support from the other side. Some people say, Well, this reconciliation approach is unfair. This is a radical idea. Why are you bringing it forth? The answer is that this has been done time after time after time, mostly, in fact, by Republicans. So it seems to me if this is a concept the Republicans have used year after year after year for very major pieces of legislation, it is appropriate for the Democratic caucus to do that as well.

Let me give a few examples. Many Americans will remember the Contract With America. That was Newt Gingrich's very big idea. I thought it was a very bad idea, but nonetheless it was a very comprehensive approach. The Contract With America in 1995 was passed in the Senate through reconciliation. This was a broad, comprehensive bill, and this is what President Clinton said. This is what the Washington Post reported President Clinton saying when he vetoed that legislation, and I am glad he did. This is what Clinton said:

Today I am vetoing the biggest Medicare and Medicaid cuts in history, deep cuts in education, a rollback in environmental protection, and a tax increase on working families.

This was Clinton's veto message of the Republican Contract With America that was passed through reconciliation.

That is not the only effort the Republicans mounted through reconciliation. In 1996, Republicans passed legislation to enact welfare reform through reconciliation. In 1997, Congress used reconciliation to establish new health coverage programs or to substantially expand existing ones, including SCHIP passed through reconciliation. In 2005, Republicans pushed through reconciliation legislation that reduced spending on Medicaid and raised premiums on upper income Medicare beneficiaries. In 2003, Republicans used reconciliation to push through President Bush's 2003 tax cuts. In 2001, Republicans used reconciliation to pass President Bush's \$1.35 trillion tax cut, much of it going to the wealthiest people in this country.

What is my point? My point is that it would be the utmost hypocrisy for Republicans to tell us we should not use reconciliation when they have used it time and time and time again.

Let me conclude by saying this country faces enormous problems. What has occurred over the last year, year and a half, is an unprecedented level of obstructionism and delaying tactics on the part of our Republican colleagues. The American people are hurting. They want to see this government begin the process of creating millions of decent-paying jobs. They want to see a transformation of our energy system so we can move from fossil fuel to energy efficiency and sustainable energy and jobs doing that. The American people want to see us rebuild our infrastructure which is presently crumbling and we can create jobs doing that. In the short term, the American people want us to do something about the high cost of a college education by expanding Pell grants and by also addressing the very serious problems with childcare and the needs for school construction. We can do that as well.

My point is the American people are angry. They are frustrated. They want action. If the Republicans choose, as is their right, to try to obstruct and try to use the rules to delay action, I think we should do what they have done time after time after time and that is use the reconciliation process. That is what I think we should do, and I hope we will.

Thank you very much, Madam President. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

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

NUCLEAR NONPROLIFERATION

Mr. CASEY. Mr. President, I rise tonight to express support for the Obama administration's efforts on nuclear nonproliferation. We know—and I believe this is a consensus in our country—that nuclear terrorism poses the most serious threat to our security, as well as the security of other nations around the world. I believe we have a solemn responsibility to do what we can to combat the threat of nuclear weapons.

The Obama administration has set forth a vision which puts American security first in pursuit of a world where terrorists cannot acquire weapons of mass destruction. The Senate also has an important leadership role to play. Our No. 1 obligation should be to protect the American people.

In Prague last April, President Obama described the steps the United States is prepared to take toward a world without nuclear weapons. In expressing this goal, the President acknowledged the necessity of maintaining our weapons complex while simultaneously working to negotiate agreements that decrease the number of nuclear weapons in the world. He said:

Make no mistake, as long as these weapons exist, the United States will maintain a safe, secure, and effective arsenal to deter any adversary, and guarantee that defense to our allies . . . but we will begin the work of reducing our arsenal.

This January, a bipartisan group of American national security leaders came together to help guide our thinking on these important issues. Former Secretary of State George Shultz, former Secretary of Defense William Perry, former National Security Adviser and Secretary of State Henry Kissinger, and former Senator Sam Nunn all have stellar national security experience and credentials. They wrote together:

Nuclear weapons today present tremendous dangers, but also an historic opportunity. U.S. leadership will be required to take the world to the next stage—to a solid consensus for reversing reliance on nuclear weapons globally as a vital contribution to preventing their proliferation into potentially dangerous hands, and ultimately ending them as a threat to the world.

President Obama is willing and able to provide this leadership at this critical point in history.

The administration is in the final stages of negotiating START with Russia. This treaty would reduce deployed nuclear weapons in the United States and Russia and would provide crucial verification measures that would allow a window into the Russian nuclear program.

While the Treaty has taken a little longer than expected to complete, I applaud Assistant Secretary for Verification, Rose Gottemoeller, for her leadership and her efforts to pursue a strong agreement as opposed to an immediate agreement.

A new START agreement is in our national security interest, especially in terms of maintaining verification and transparency measures. Once completed, this agreement can help to strengthen the U.S.-Russian relationship and potentially increase the possibility of Russian cooperation on an array of thorny international issues, including North Korea and Iran.

The START follow-on treaty is also a clear demonstration that the United States is upholding our disarmament obligation under the Nuclear Nonproliferation Treaty, one of the treaty's three pillars, in addition to nonproliferation and peaceful uses of nuclear energy. START is a necessary step in reaffirming U.S. leadership on nonproliferation issues. Without a clear commitment to our nonproliferation responsibilities through a new START agreement, it will be increasingly difficult for the United States to secure international support in addressing the urgent security threats posed by the spread of nuclear weapons.

An essential element of securing our nuclear weapons complex begins at home. Last Thursday, Vice President BIDEN spoke at the National Defense University about the administration's efforts to maintain a safe, secure, and effective nuclear arsenal.

Mr. President, I ask unanimous consent to have printed in the RECORD the Vice President's speech.

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

THE PATH TO NUCLEAR SECURITY: IMPLEMENTING THE PRESIDENT'S PRAGUE AGENDA

Ladies and gentlemen; Secretaries Gates and Chu; General Cartwright; Undersecretary Tauscher; Administrator D'Agostino; members of our armed services; students and faculty; thank you all for coming.

At its founding, Elihu Root gave this campus a mission that is the very essence of our national defense: "Not to promote war, but to preserve peace by intelligent and adequate preparation to repel aggression." For more than a century, you and your predecessors have heeded that call. There are few greater contributions citizens can claim.

Many statesmen have walked these grounds, including our Administration's outstanding National Security Advisor, General Jim Jones. You taught him well. George Kennan, the scholar and diplomat, lectured at the National War College in the late 1940s. Just back from Moscow, in a small office not far from here, he developed the doctrine of Containment that guided a generation of Cold War foreign policy.

Some of the issues that arose during that time seem like distant memories. But the topic I came to discuss with you today, the challenge posed by nuclear weapons, continues to demand our urgent attention.

Last April, in Prague, President Obama laid out his vision for protecting our country from nuclear threats.

He made clear we will take concrete steps toward a world without nuclear weapons, while retaining a safe, secure, and effective arsenal as long as we still need it. We will work to strengthen the Nuclear Nonproliferation Treaty. And we will do everything in our power to prevent the spread of nuclear weapons to terrorists and also to states that don't already possess them.

It's easy to recognize the threat posed by nuclear terrorism. But we must not underestimate how proliferation to a state could destabilize regions critical to our security and prompt neighbors to seek nuclear weapons of their own.

Our agenda is based on a clear-eyed assessment of our national interest. We have long relied on nuclear weapons to deter potential adversaries.

Now, as our technology improves, we are developing non-nuclear ways to accomplish that same objective. The Quadrennial Defense Review and Ballistic Missile Defense Review, which Secretary Gates released two weeks ago, present a plan to further strengthen our preeminent conventional forces to defend our nation and our allies.

Capabilities like an adaptive missile defense shield, conventional warheads with worldwide reach, and others that we are developing enable us to reduce the role of nuclear weapons, as other nuclear powers join us in drawing down. With these modern capabilities, even with deep nuclear reductions, we will remain undeniably strong.

As we've said many times, the spread of nuclear weapons is the greatest threat facing our country.

That is why we are working both to stop their proliferation and eventually to eliminate them. Until that day comes, though, we will do everything necessary to maintain our arsenal.

At the vanguard of this effort, alongside our military, are our nuclear weapons laboratories, national treasures that deserve our support. Their invaluable contributions range from building the world's fastest supercomputers, to developing cleaner fuels, to surveying the heavens with robotic telescopes.

But the labs are best known for the work they do to secure our country. Time and again, we have asked our labs to meet our most urgent strategic needs. And time and again, they have delivered.

In 1939, as fascism began its march across Europe, Asia, and Africa, Albert Einstein warned President Roosevelt that the Nazis were racing to build a weapon, the likes of which the world had never seen. In the Southwest Desert, under the leadership of Robert Oppenheimer, the physicists of Los Alamos won that race and changed the course of history.

Sandia was born near Albuquerque soon after the Second World War and became our premier facility for developing the non-nuclear components of our nuclear weapons program.

And a few years later the institution that became Lawrence Livermore took root in California. During the arms race that followed the Korean War, it designed and developed warheads that kept our nuclear capabilities second to none.

These examples illustrate what everyone in this room already knows—that the past century's defining conflicts were decided not just on the battlefield, but in the classroom and in the laboratory.

Air Force General Hap Arnold, an aviation pioneer whose vision helped shape the National War College, once argued that the First World War was decided by brawn and the Second by logistics. "The Third World War will be different," he predicted. "It will be won by brains."

General Arnold got it almost right. Great minds like Kennan and Oppenheimer helped win the Cold War and prevent World War Three altogether.

During the Cold War, we tested nuclear weapons in our atmosphere, underwater and underground, to confirm that they worked before deploying them, and to evaluate more advanced concepts. But explosive testing

damaged our health, disrupted our environment and set back our non-proliferation goals.

Eighteen years ago, President George H.W. Bush signed the nuclear testing moratorium enacted by Congress, which remains in place to this day.

Under the moratorium, our laboratories have maintained our arsenal through the Stockpile Stewardship Program without underground nuclear testing, using techniques that are as successful as they are cutting edge.

Today, the directors of our nuclear laboratories tell us they have a deeper understanding of our arsenal from Stockpile Stewardship than they ever had when testing was commonplace.

Let me repeat that—our labs know more about our arsenal today than when we used to explode our weapons on a regular basis. With our support, the labs can anticipate potential problems and reduce their impact on our arsenal.

Unfortunately, during the last decade, our nuclear complex and experts were neglected and underfunded.

Tight budgets forced more than 2,000 employees of Los Alamos and Lawrence Livermore from their jobs between 2006 and 2008, including highly-skilled scientists and engineers.

And some of the facilities we use to handle uranium and plutonium date back to the days when the world's great powers were led by Truman, Churchill, and Stalin. The signs of age and decay are becoming more apparent every day.

Because we recognized these dangers, in December, Secretary Chu and I met at the White House with the heads of the three nuclear weapons labs. They described the dangerous impact these budgetary pressures were having on their ability to manage our arsenal without testing. They say this situation is a threat to our security. President Obama and I agree.

That's why earlier this month we announced a new budget that reverses the last decade's dangerous decline. It devotes \$7 billion to maintaining our nuclear stockpile and modernizing our nuclear infrastructure. To put that in perspective, that's \$624 million more than Congress approved last year—and an increase of \$5 billion over the next five years. Even in these tight fiscal times, we will commit the resources our security requires.

This investment is not only consistent with our nonproliferation agenda; it is essential to it. Guaranteeing our stockpile, coupled with broader research and development efforts, allows us to pursue deep nuclear reductions without compromising our security. As our conventional capabilities improve, we will continue to reduce our reliance on nuclear weapons.

Responsible disarmament requires versatile specialists to manage it.

The skilled technicians who look after our arsenal today are the ones who will safely dismantle it tomorrow.

And chemists who understand how plutonium ages also develop forensics to track missing nuclear material and catch those trafficking in it.

Our goal of a world without nuclear weapons has been endorsed by leading voices in both parties. These include two former Secretaries of State from Republican administrations, Henry Kissinger and George Shultz; President Clinton's Secretary of Defense Bill Perry; and my former colleague Sam Nunn, for years the Democratic Chairman of the Senate Armed Services Committee.

Together, these four statesmen called eliminating nuclear weapons "a bold initiative consistent with America's moral heritage."

During the 2008 Presidential campaign, both the President and Senator McCain supported the same objective. We will continue to build support for this emerging bipartisan consensus like the one around containment of Soviet expansionism that George Kennan inspired.

Toward that end, we have worked tirelessly to implement the President's Prague agenda.

In September, the President chaired an historic meeting of the UN Security Council, which unanimously embraced the key elements of the President's vision.

As I speak, U.S. and Russian negotiators are completing an agreement that will reduce strategic weapons to their lowest levels in decades.

Its verification measures will provide confidence its terms are being met. These reductions will be conducted transparently and predictably. The new START treaty will promote strategic stability and bolster global efforts to prevent proliferation by showing that the world's leading nuclear powers are committed to reducing their arsenals.

And it will build momentum for collaboration with Russia on strengthening the global consensus that nations who violate their NPT obligations should be held to account.

This strategy is yielding results. We have tightened sanctions on North Korea's proliferation activities through the most restrictive UN Security Council resolution to date—and the international community is enforcing these sanctions effectively.

And we are now working with our international partners to ensure that Iran, too, faces real consequences for failing to meet its obligations.

In the meantime, we are completing a government-wide review of our nuclear posture.

Already, our budget proposal reflects some of our key priorities, including increased funding for our nuclear complex, and a commitment to sustain our heavy bombers and land and submarine-based missile capabilities, under the new START agreement.

As Congress requested and with Secretary Gates' full support, this review has been a full interagency partnership.

We believe we have developed a broad and deep consensus on the importance of the President's agenda and the steps we must take to achieve it. The results will be presented to Congress soon.

In April, the President will also host a Nuclear Security Summit to advance his goal of securing all vulnerable nuclear material within four years. We cannot wait for an act of nuclear terrorism before coming together to share best practices and raise security standards, and we will seek firm commitments from our partners to do just that.

In May, we will participate in the Non-Proliferation Treaty Review Conference. We are rallying support for stronger measures to strengthen inspections and punish cheaters.

The Treaty's basic bargain—that nuclear powers pursue disarmament and non-nuclear states do not acquire such weapons, while gaining access to civilian nuclear technology—is the cornerstone of the non-proliferation regime.

Before the treaty was negotiated, President Kennedy predicted a world with up to 20 nuclear powers by the mid-1970s. Because of the Non-Proliferation Treaty and the consensus it embodied, that didn't happen.

Now, 40 years later, that consensus is fraying. We must reinforce this consensus, and strengthen the treaty for the future.

And, while we do that, we will also continue our efforts to negotiate a ban on the production of fissile materials that can be used in nuclear weapons.

We know that completing a treaty that will ban the production of fissile material

will not be quick or easy—but the Conference on Disarmament must resume its work on this treaty as soon as possible.

The last piece of the President's agenda from Prague was the ratification of the Comprehensive Test Ban Treaty.

A decade ago, we led this effort to negotiate this treaty in order to keep emerging nuclear states from perfecting their arsenals and to prevent our rivals from pursuing ever more advanced weapons.

We are confident that all reasonable concerns raised about the treaty back then—concerns about verification and the reliability of our own arsenal—have now been addressed. The test ban treaty is as important as ever.

As President Obama said in Prague, “we cannot succeed in this endeavor alone, but we can lead it, we can start it.”

Some friends in both parties may question aspects of our approach. Some in my own party may have trouble reconciling investments in our nuclear complex with a commitment to arms reduction. Some in the other party may worry we're relinquishing capabilities that keep our country safe.

With both groups we respectfully disagree. As both the only nation to have used nuclear weapons, and as a strong proponent of nonproliferation, the United States has long embodied a stark but inevitable contradiction. The horror of nuclear conflict may make its occurrence unlikely, but the very existence of nuclear weapons leaves the human race ever at the brink of self-destruction, particularly if the weapons fall into the wrong hands.

Many leading figures of the nuclear age grew ambivalent about aspects of this order. Kennan, whose writings gave birth to the theory of nuclear deterrence, argued passionately but futilely against the development of the hydrogen bomb. And Robert Oppenheimer famously lamented, after watching the first mushroom cloud erupt from a device he helped design, that he had become “the destroyer of worlds.”

President Obama is determined, and I am as well, that the destroyed world Oppenheimer feared must never become our reality. That is why we are pursuing the peace and security of a world without nuclear weapons. The awesome force at our disposal must always be balanced by the weight of our shared responsibility.

Every day, many in this audience help bear that burden with professionalism, courage, and grace.

A grateful nation appreciates your service. Together, we will live up to our responsibilities. Together, we will lead the world.

Thank you.

May God bless America. May God protect our troops.

MR. CASEY. Mr. President, the Vice President said that recent years have seen a slow but steady decline in support for our nuclear stockpile and infrastructure and for our highly trained nuclear workforce. The four national security statesmen I previously referred to agree. In January, all four of these experts wrote:

These investments are urgently needed to undo the adverse consequences of deep reductions over the past 5 years in the laboratories' budgets for the science, technology and engineering programs that support and underwrite the Nation's nuclear deterrent.

We know that JASON, an independent defense advisory group of senior scientists, has also echoed these same concerns in a recent study. The JASON group found that the lifetimes

of today's warheads could be extended for decades. That was the good news. While the weapons are in good shape, JASON is concerned that maintenance of the stockpile relies on the “renewal of expertise and capabilities in science, technology, engineering, and production unique to the nuclear weapons program” and that this expertise was “threatened by lack of program stability, perceived lack of mission importance, and degradation of the work environment.”

The Obama administration's budget request reflects these concerns. The fiscal year 2011 budget request devotes \$7 billion to maintaining our nuclear weapons stockpile and complex and for related efforts. Delivering on promises made in Prague and elsewhere, this administration has demonstrated a clear commitment to a nuclear nonproliferation strategy that is an integral part of our security and that of our allies.

As Under Secretary of State for Arms Control in International Security, Ellen Tauscher, a former Member of the House, said recently:

Nuclear disarmament is not the Holy Grail. As long as we see the rise of nuclear weapons in other countries, we will maintain deterrence that is second to none.

This approach by Ellen Tauscher is smart, strategic, and measured, and it puts American security first.

As I stand in support of full funding for the administration's nuclear weapons stockpile and complex request, I believe it is very important that we stand together—all of us, Democrats, Republicans, and Independents.

Key dimensions of our nuclear stockpile are the nuclear labs and resident scientific expertise. We need to be able to continue to recruit the most highly qualified and motivated experts tasked with stockpile maintenance. Our three National Laboratories—Lawrence Livermore in California, Los Alamos in New Mexico, and Sandia in New Mexico and California—are staffed by gifted public servants who have established methods for verifying the safety, security, and reliability of our stockpile. This budget presented by the administration will help to ensure that the most talented scientists continue to be attracted to our labs and that these labs continue to be state of the art.

The administration's 2011 budget request also bolsters the case for eventual ratification of the Comprehensive Test-Ban Treaty. A full investment in our nuclear weapons infrastructure will mean the United States can continue to maintain its nuclear weapons infrastructure without testing. We have not tested a nuclear weapon since 1992 because we now have the technical means to ensure the reliability and safety of our stockpile without testing.

This is an issue of national security and preventing nuclear terrorism. By working to diminish access to fissile material, by working to ensure Russia and the United States decrease nuclear stockpiles, and by promoting a ban on nuclear testing and by ensuring our nu-

clear arsenal is safe and secure—all of these measures, as well as others—will help to create an international environment where a terrorist's access to fissile material is diminished.

I should mention as well the work of Senator LUGAR. Senator LUGAR has been a remarkable leader in regard to promoting the Nunn-Lugar program all these years. I agree with Senator LUGAR's efforts to secure more funding as the mandate of the program is expanded without commensurate resources. Senator LUGAR reports that the program “has eliminated more nuclear weapons than the combined nuclear arsenals of France, China, and the United Kingdom for less than \$3 billion—a striking return on investment.” I have to agree that is a striking return, indeed.

Finally, I also express support for the administration's requested increase in funding for the International Atomic Energy Agency, which we all know by the acronym IAEA. For too the long, the IAEA's technical assistance and cooperation programs have been underfunded. International nonproliferation efforts face an uncertain future. Iran and North Korea are our primary concerns, but potential nuclear flashpoints remain between India and Pakistan, and the security of fissile material, while improving, remains a vital concern. In order for the IAEA to be best positioned to confront proliferation efforts in North Korea and Iran, as well as monitor the peaceful nuclear energy programs in countries around the world, its budget needs to reflect this growing portfolio. U.S. leadership in nonproliferation is essential. A fully funded IAEA will complement U.S. efforts to combat proliferation at this critical time.

These investments in our national security are substantial, but there is no greater threat than that of nuclear terrorism. We must remain vigilant in doing everything we can to ensure terrorists do not get their hands on weapons of mass destruction. The nonproliferation measures mentioned above all help to address this threat.

To keep America safe, Democrats, Republicans, and Independents must work together—let me say that again—must work together to promote nonproliferation and confront nuclear terror by ensuring that our existing nuclear arsenal is safe, secure, and effective.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MR. ENSIGN. Mr. President, in a moment, I will ask unanimous consent to be able to offer an amendment, but

first I wish to talk about that amendment because I understand the other side is going to object.

Currently, there are seven States that collect no income tax from their residents. Those States are my home the State of Nevada, Florida, South Dakota, Tennessee, Texas, Washington, and Wyoming.

Under current Federal tax law, in all the States that have an income tax, individuals are allowed to deduct those income taxes from their Federal tax form. Your property taxes can also be deducted. Even when you register your car and pay your registration fee on your car, you are allowed to deduct that because that is a local tax. The tax that you are not allowed to deduct, if we don't extend current law, will be the sales tax.

My State relies more on a sales tax for its revenue sources. That is what it decided to do. Other States have chosen to set their taxes up differently. But States have the flexibility to set up their taxes in the way they feel is best for their residents. My State actually has a constitutional amendment against collecting a State income tax from its residents.

Nevadans don't want a State income tax, but they want to be treated fairly. So a few years ago, we passed a law so that Nevada and these six other States would be treated fairly; so that residents would have the option of deducting a sales tax or an income tax. It is just a matter of fairness, but it also allows people to keep more of their own income. At the end of last year, the deductibility for the sales tax expired, and I would like to be able to offer an amendment to extend it in this jobs bill.

I believe if people have more of their own money—money they can count on—they will make good decisions, and they will actually go out and spend some of that money. I believe this would actually be a good measure to put in the jobs bill. It was in the original bipartisan bill that Chairman BAUCUS and Ranking Member GRASSLEY came up with and introduced. So I am hoping the other side will not object, although I understand they are going to.

Mr. President, I ask unanimous consent that it be in order to offer an amendment to allow for the deduction of State and local sales tax.

The PRESIDING OFFICER. Is there objection?

In my capacity as a Senator from Colorado, I object.

Objection is heard.

Mr. ENSIGN. Mr. President, I knew that was going to happen because the majority party has decided to allow no amendments on this bill, which is a shame. It is the reason I voted against cloture on the bill yesterday, because I think it is only fair that we get to offer amendments on such an important and expensive bill. This is one of the amendments that I think should be allowed.

We will be making other efforts during the year to get the sales tax deductibility enacted into law because it is a question of fairness for these seven States. I know the Senators from those seven States join me in fighting for this. We fought together before, and we are going to continue to fight to try to make sure this deductibility, as a matter of fairness for our citizens, is maintained in Federal law.

I yield the floor.

Mr. GRASSLEY. Mr. President, as I stated earlier today, I had worked to put together a bipartisan package with my colleague, Finance Committee Chairman BAUCUS, to address some time-sensitive matters that need to be considered.

I was under the impression that the Senate Democratic leadership genuinely wanted to work on a bipartisan basis but, unfortunately, I was mistaken.

Although the majority leader was deeply involved in the development of our bipartisan bill, as soon as it was released he announced that he would not take it up, and he arbitrarily decided to replace it with a bill he plans to jam through the Senate.

I addressed my concerns earlier about the removal of the tax extender provisions.

Now I want to discuss another significant change between the bipartisan package Chairman BAUCUS and I put together and the Senate Democratic leadership's bill that we will be voting on this week.

A package of expired and expiring Medicare health provisions has been removed without any explanation. These bipartisan provisions are essential to the health and well-being of Medicare beneficiaries. They have been routinely supported by both sides and passed repeatedly in recent years.

So where does that leave us? We are now less than a week away from the end of February, and Medicare beneficiaries around the country will suffer from the Senate Democratic leader's decision to remove these provisions without any explanation. Medicare beneficiaries should not be held hostage to whatever partisan goals the Senate Democratic leadership envisions.

To make matters worse, they have decided to "fill the tree," as the procedure is called, so there will be no opportunity to offer these essential health provisions known as "Medicare extenders" as amendments to his bill.

The decision to abandon a bipartisan approach is especially ironic considering the fact that later this week President Obama is hosting a bipartisan meeting with Senators and Members of the House to discuss health care reform.

It is too early to tell if that meeting will lead to a true bipartisan effort to address health care reform issues, at least in some areas where there is broad agreement on both sides. But I commend the President for his bipar-

tisan outreach and invitation to meet and discuss these important issues. It is an approach that the Senate Democratic leadership abandoned last year.

Apparently, political games have become more important than ensuring that critical legislation is passed to protect Medicare beneficiaries' access to health care.

Many individuals, in fact, are already in jeopardy of suffering adverse consequences to their health because of the failure by the Senate Democratic leadership to ensure that these critically needed Medicare provisions would be enacted by the end of last year. These are the same provisions that had broad, bipartisan support when they were considered by the Finance Committee and included in the health care bill the committee reported last fall.

I am going to review some of these provisions and the impact they have on Medicare beneficiaries and their access to health care.

First, there is the need for a physician payment update, what we commonly refer to as the "SGR" or the "doc fix." A 2-month extension that was passed in December is scheduled to expire on February 28, just 5 days from now. Unless a physician update is enacted by March 1, physicians, nurses, and other health care practitioners will experience severe payment cuts of 21 percent as of that date.

These payment cuts would be even more disastrous for physicians in rural States, such as Iowa, where Medicare reimbursement is already about 30 percent lower than in other areas. But payment cuts of this magnitude will severely impact physicians and health care practitioners throughout the country, and they will significantly threaten beneficiary access to care.

Should these cuts occur and continue for any length of time, they will have a truly disastrous effect on the ability of seniors to find, or keep, physicians who take Medicare patients.

I am appalled that Medicare beneficiaries' access to physicians and other needed medical care is being jeopardized because of the political games that are being played by the Senate Democratic leadership.

Let's look at beneficiaries who are already being affected by other Medicare provisions that should have been extended, as they have been in the past, but that were allowed to expire at the end of last year.

One of the most pressing is an extension of the exceptions process for therapy caps. The law puts annual payment limits or financial caps on therapy services. There are annual dollar limits on outpatient physical therapy and speech-language pathology therapy combined and on occupational therapy.

While the law provided for an exceptions process to these caps when additional therapy was medically necessary, that provision expired at the end of 2009. Medicare beneficiaries who have suffered strokes or serious debilitating injuries, such as a hip fracture,

have significant rehabilitation needs. Some of these beneficiaries have already exceeded their therapy limits for 2010.

Since the exceptions process that would have allowed these patients to receive more needed therapy has expired, beneficiaries with the greatest need for therapy will be the hardest hit. Congress must address this issue immediately.

A second issue of major concern is the need for additional payment for mental health services. A provision that expired at the end of last year provided an additional 5-percent payment for Medicare mental health services provided by psychologists and mental health counselors. This provision has been key to improving access to mental health care services for veterans and other military personnel suffering from post-traumatic stress and other disorders since TRICARE coverage is based on Medicare rates.

Significant shortages of mental health personnel have made it exceedingly difficult for Medicare beneficiaries and some of our military returning from overseas to find this critically needed help. The expiration of this provision has made it even more difficult for them to obtain these services. Congress needs to act immediately to help Medicare beneficiaries and members of the Armed Forces in need of mental health services.

A third issue concerns additional payments for ambulance services that are routinely extended, year after year. Many ambulance providers need them to survive. But those provisions also expired at the end of last year.

Another provision would ensure that Medicare beneficiaries can continue to get vital medical supplies such as diabetic test strips, canes, nebulizers, and wound care products from their local community pharmacies.

Under current law, suppliers of durable medical equipment, prosthetics, orthotics, and other supplies must get accredited to prove they comply with quality standards. Many eligible professionals, such as physicians, nurse practitioners, physical therapists, and others are specifically exempted from this requirement. This provision would exempt pharmacies from being accredited under certain circumstances. Pharmacies must have been enrolled as a Medicare supplier with a provider number for at least 2 years, have DME billings that are less than 5 percent of their total sales, be in good standing with Medicare, and meet other criteria.

Medicare beneficiaries living in rural and underserved areas are particularly at risk of losing access to these critical medical products. This provision is essential to ensure they do not.

There are also a number of expired provisions in this package that improve payment for hospitals, especially rural hospitals. These hospitals rely on these provisions to keep their doors open.

The impact of a hospital shutting its doors would be especially hard on rural

and underserved areas where hospitals are the only point of access for health care.

Our country is facing record unemployment and Americans are struggling to make ends meet. The failure to extend these essential Medicare provisions immediately will make access to health care or needed medical services simply unavailable for many beneficiaries. The impact will be even worse for those in rural areas already facing health care access problems.

These examples show some of the damage that failing to extend these Medicare provisions will do to our seniors' health care.

We need to get back to work on the bipartisan package that was in the works until the Senate Democratic leadership's dramatic change in direction.

Medicare beneficiaries are counting on us to work together and get this done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that when the Senate convenes Wednesday, February 24, all postcloture time be considered expired, except for any time available until 9:55 a.m., and that at 9:55 a.m. the Senate proceed to vote on a motion to waive the applicable budget points of order; further, that if the points of order are waived, without further intervening action, the second-degree amendment be withdrawn and no further amendments be in order; the Senate then proceed to vote on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 2847, with amendment No. 3310; provided further that upon disposition of the House message with respect to H.R. 2847, 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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

GUNS ON UNIVERSITY CAMPUSES

Mr. LEVIN. Mr. President, in 2009, bills aimed at weakening the ability of universities to regulate the possession of firearms on campus were introduced in 12 State legislatures, including the

Michigan State Legislature. In 2008, 17 States saw similar legislation introduced. Fortunately for the safety of students, faculty, and visitors, none of these bills passed. In fact, according to the Wall Street Journal, as of July 2009, State legislative efforts to allow firearms on college campuses had been defeated 34 straight times nationwide. However, while this statistic demonstrates a clear national consensus that guns do not belong at universities, the National Rifle Association, NRA, continues to push for weaker gun regulations.

Already in 2010, efforts have been undertaken that would weaken the ability of colleges to determine their own security needs in Arizona, Georgia, Virginia, and Colorado. These legislative efforts are part of a strategy to pressure State legislatures into passing legislation that would force colleges to allow the possession and use of firearms by students, faculty, and others on campus. According to a report from the Brady Center to Prevent Gun Violence, entitled "No Gun Left Behind: The Gun Lobby's Campaign to Push Guns into Colleges and Schools," this strategy can be seen as a response to the horrific shootings at Virginia Tech in 2007. According to this strategy, the way to prevent future violence on college campuses is to have more guns on campuses.

Increasing the number of guns in university settings is likely to increase the threat of violence. Every day at colleges across the country, young people engage in risky behaviors involving alcohol and drugs. According to the U.S. Department of Health and Human Services, binge drinking and illegal drug use is highest among 18- to 24-year-olds. Furthermore, a report by the National Center on Addiction and Substance Abuse at Columbia University found that "nearly half of America's full-time college students abuse drugs or drink on binges at least once a month." This behavior is dangerous enough without introducing a weapon into the environment. Additional threats to public safety stemming from firearms on campuses include the high risk of gun thefts in typically insecure college living environments, as well as an increase in the number of accidental shootings.

Students and faculty should feel safe while on campus. Contrary to the claims of some, more guns on campus will not create a more secure campus. More guns will increase the threat of violence, and that is why legislation that would force universities to allow firearms on campus is misguided.

HONORING OUR ARMED FORCES

SPECIALIST MARC DECOTEAU

Mr. GREGG. Mr. President, I rise today to remember and honor Army SPC Marc Paul Decoteau of Waterville Valley, NH, for his service and supreme sacrifice for his country.

Specialist Decoteau demonstrated a willingness and dedication to serve and

defend his country by joining the U.S. Army. Just as many of America's heroes have taken up arms in the face of dire threats, Marc dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but his sacrifice will help spare millions from lives under tyranny and oppression.

An exceptional student-athlete, Marc played an integral role in two Plymouth Regional High School State football championships and was also a standout lacrosse player. Marc graduated from Plymouth High School in Plymouth, NH, in 2008 and, sensing a call to duty, enlisted in the Army shortly thereafter.

Tragically, on January 29, 2010, this brave 19-year-old gave his life for this Nation while in support of combat operations in the Wardak Province of Afghanistan. At the time of this hostile action, Specialist Decoteau, a member of the 6th Psychological Operations Battalion out of Fort Bragg, NC, was serving his first tour in Afghanistan in support of Operation Enduring Freedom.

A beloved member of the Waterville Valley community, Marc was respected and admired by all those around him. As a loyal member of the U.S. Army, he continually performed above and beyond all expectations. Specialist Decoteau will live on as a decorated hero and a patriot.

Marc was recognized for his service several times, receiving the National Defense Service Medal, Afghanistan Campaign Medal with Campaign Star, Global War on Terrorism Service Medal, Army Service Ribbon, and Parachutist Badge. He was also posthumously awarded the Army Commendation Medal, Army Good Conduct Medal, and NATO Medal.

My condolences and prayers go out to Marc's parents Mark and Nancy, his brother Andrew and sister Maddie, and his family and friends. I offer them my deepest sympathies and most heartfelt thanks for their sacrifice. Marc exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure. God bless Marc Decoteau.

SELDON TECHNOLOGIES

Mr. LEAHY. Mr. President, I would like to direct the attention of the Senate to an article that was recently published in the Rutland Herald about Seldon Technologies, located in Windsor, VT.

This article describes the laudable efforts of a Vermont company taking part in the ongoing disaster relief operation in Haiti. Seldon Technologies has donated one of its state-of-the-art water filtration devices to a nonprofit organization that provides clean water to people in developing countries and those affected by natural disasters,

such as Haiti. I commend Seldon for using its technology to help the many Haitians who are still desperately in need of assistance.

Mr. President, I ask unanimous consent that this article entitled "Windsor Water Company Ships Help to Haiti" be printed in the RECORD.

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

WINDSOR WATER COMPANY SHIPS HELP TO HAITI

(By Josh O'Gorman)

WINDSOR, VT.—A local company is doing its part to help with disaster relief in Haiti.

Seldon Technologies, which develops state-of-the-art water filtration devices, has donated one of its products to Water Missions International, a South Carolina-based nonprofit that works to provide clean water to developing countries and disaster areas such as Haiti.

Seldon Technologies donated a Seldon WaterBox Mobile Filtration System, which will help Water Missions aid workers stay healthy and provide immediate, clean, drinking water to temporary shelters.

"The Seldon staff are excited about the opportunity to utilize our new filtration products on behalf of those in need," said CEO Alan G. Cummings. "Such use matches our corporate mission. Seldon's progress has been helped immeasurably by our Senator Leahy and his interest in new technology initiatives in Vermont."

Democratic U.S. Sen. Patrick Leahy has secured several Department of Defense contracts for Seldon to develop water filtration products for civilian and military use.

The WaterBox, which retails for \$2,695, can provide water to 390 people a day, based upon the World Health Organization's disaster standard of 1.9 gallons per person, said Heidi Luquer, who handles disaster and relief for Seldon Technologies.

Brad Reed, president and chief operating officer for Water Missions International, said the donation fits his organization's mission.

"It's a good example of groups trying to help each other when one approach complements the other," said Reed, whose organization has been working to provide clean drinking water in Haiti since 2004 and had 22 clean-water projects up and running prior to the Jan. 12 earthquake that killed more than 200,000 people and left more than 1 million homeless.

Water Missions International has increased its efforts since the earthquake, bringing in an additional 12 aid workers from Germany, Honduras and the U.S., and will have 80 water projects in place by the end of the week, Reed said.

Seldon's WaterBox is currently en route to Haiti and is expected arrive by the beginning of next week, said Reed.

To learn more about Seldon Technologies, visit www.seldontechnologies.com. For more about Water Missions International, visit www.watermissions.org.

NATIONAL EYE DONOR MONTH

Mr. ISAKSON. Mr. President, I rise today to bring to the attention of my colleagues that March is National Eye Donor Month. In 1983, President Ronald Reagan announced, "One of the most magnificent presents that one human being can bestow upon another is the gift of sight. Incredible as it may seem, it is within the power of each of us to give this precious gift simply by mak-

ing arrangements to donate our eyes after death." In less than 50 words, President Reagan expressed how simple and incredible it is to give the gift of sight. He declared March as National Eye Donor Month, and today his words hold no less relevance.

During National Eye Donor Month, we should take time to honor past donors and their families for the tremendous gift of sight they have given. These gifts have helped to improve the lives of over 1 million recipients since this procedure was introduced into America's health care system. Throughout the United States today, more than 40,000 corneal transplants take place yearly, over 750 each week. The Eye Bank Association of America was founded in 1961 and promulgates medical standards for eye banks throughout the world. Its initial membership of 25 member banks has grown to 85 banks in the United States and 15 international banks.

Corneal transplants can restore sight to people of all ages and all walks of life, whether it be a newborn, an adult or an aging grandparent. While success rates for corneal transplants have always been high, advancements in recent technology have increased success rates to over 95 percent. When the procedure was first performed, patients would spend upwards of 1 month in the hospital recovering from the transplant. Today, it is an outpatient procedure.

Today, we possess the knowledge and technology to give the gift of sight to thousands of individuals through the generosity of eye donation. Anyone can become an eye donor. Cataracts, poor eyesight or age do not prevent a person from being a donor. I encourage all Americans to become eye donors. It is a very simple process. All you need to do is sign up on your State's donor registry and talk to your family to ensure they understand that you wish to give the gift of sight.

Donated human eyes and corneal tissue are used for research, education and transplantation. There is no substitute for human tissue donation. Corneal transplants cannot take place without the priceless gift of corneal donation from one human to another. I encourage my colleagues to work with their local eye banks to help raise awareness within your communities and throughout our country. I am honored to recognize March as National Eye Donor Month today in the RECORD.

GETTYSBURG COIN ACT

Mr. CASEY. Mr. President, I rise today to discuss the Gettysburg Coin Act, which I was proud to introduce with Senator SPECTER. This legislation commemorates one of the most significant events in our Nation's history.

The Gettysburg Coin Act would produce a commemorative coin in 2013 recognizing the 150th anniversary of the 1863 Battle of Gettysburg and President Abraham Lincoln's Gettysburg Address. The Battle of Gettysburg

not only marked a decisive moment in the American Civil War, but proved to be the turning point in our Nation's history. More Americans perished during the Battle of Gettysburg than in any other battle in American history. It is with this understanding that we must, as President Abraham Lincoln so eloquently said in the Gettysburg Address, "highly resolve that these dead shall not have died in vain" in defending our Nation's freedom. This rings true today as our Nation's servicemen and women continue the long tradition of protecting our freedom and values.

Today, I would also like to recognize the important work of the Army Heritage Center Foundation, which continues the proud tradition of protecting and preserving our Nation's rich military history. Based in Carlisle, PA, the U.S. Army Heritage and Education Center works with the U.S. Army to preserve the memories of soldiers and their families, honor their service, and help educate the American public about the Army's contributions to our nation. The center's world class archives store a collection of Army memorabilia and artifacts, so we can remember how life was lived and the repercussions of war. The Army Heritage Center Foundation's support for the 150th anniversary commemorative coin is just another way they continue to fulfill their mission.

As a Pennsylvanian, I am proud of the role my State has played and continues to play in shaping our Nation's history. It is my hope that these coins will commemorate a day of great national pride and remind us of the sacrifices that generations of American soldiers and their families have made to safeguard this Nation. Therefore, I encourage my colleagues to join me in supporting this legislation to commemorate the 150th anniversary of the Battle of Gettysburg.

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

RECOGNIZING THE TRANSPORTATION TRADES DEPARTMENT, AFL-CIO

• Mr. LAUTENBERG. Mr. President, I wish to pay tribute to the Transportation Trades Department, AFL-CIO, as it marks its 20th anniversary representing our Nation's transportation workers. The TTD is a leader in the effort to ensure that our transportation needs are fully met, and they work to remind us of the critical role that workers serve in this industry.

As chairman of the Commerce Subcommittee on Surface Transportation and a member of the Transportation Appropriations Subcommittee, I have found TTD to be a trusted, valuable resource to help strengthen our infrastructure and expand our skilled, well-trained workforce. We are working together to address our ailing bridges and highways, improve our rail systems and ports, and modernize our air traffic control systems.

I am proud to have worked with TTD to guard against those who would put safety, security, and service at risk. TTD and I have fought against risky privatization schemes for Amtrak and air traffic controllers and to rein in air carriers who seek out low-cost, poorly supervised foreign repair facilities. There is absolutely no excuse for cutting corners on safety anywhere in the transportation industry.

Our work in transportation is far from done. With our economy mired in a recession and lingering unemployment crisis, we need to rebuild our infrastructure and put Americans back to work. We must do more to modernize rail, transit, and ports, improve safety on our roads, and invest in the technologies that will make air travel safer and more efficient. Transportation workers are a strong partner in these bold steps, and I look forward to continuing to work closely with TTD in pursuit of these shared goals.

Twenty years after its inception, the Transportation Trades Department, AFL-CIO, continues to be a leader in a more efficient, productive, and connected nation. I congratulate the organization on this milestone anniversary and wish it continued success in the future. •

ADDITIONAL STATEMENTS

TRIBUTE TO THE DELTA CHAPTER SIGMA CHI VETERANS

• Mr. CHAMBLISS. Mr. President, today I pay tribute to the brothers of the Delta Chapter of Sigma Chi fraternity at the University of Georgia who honorably served in our Nation's Armed Forces during the Vietnam war.

These men made tremendous sacrifices, leaving behind their loved ones and the comfort of college to serve our Nation. One of our brothers, Joe Laslie, gave his life.

This weekend, members of the Delta Chapter of the Sigma Chi fraternity will honor the brothers who served during the Vietnam war at a memorial brunch. This will be a touching event, especially for the family of Joe Laslie.

Joe made the ultimate sacrifice during the summer of 1968. Many of his close friends at school did not attend his funeral because they did not learn of his death until the following semester. This event will give us the opportunity to pay our respects.

I am truly humbled to have had the opportunity to know these men. As fraternity brothers, we competed in sports and threw parties, but we also we built strong bonds of friendship, and learned respect and honor.

I am proud of my brothers who so dutifully served our Nation. It is because of their dedication and sacrifice that we are able to live in a safe, free country.

As a tribute, I would like their names to be etched into the CONGRESSIONAL RECORD for posterity:

Kenan J. Kern
Donald G. Charlton
Lloyd G. Ewing
William E. Schley
Tom J. Jones
G. Elliott Hagan, Jr.
Warren A. Norman
Steve J. Ernest
Clyde W. Fitzgerald, Jr.
David G. Jones
William M. Riley
John S. Noell, Jr.
John A. Ewing, Jr.
William O. McDonald
John B. Thurman, III
William E. Johnston
Harris W. Sims
Emory Lee Brinson
Richard H. Warner
J. Rufus Youmans
Warren B. Taylor
R. Daniel Weigle
James F. Martin
Otha C. Dent
Richard B. Smith
James R. Klein
Joseph T. Laslie, Jr.*
Martin T. Bailey
James W. Friedewald
William W. Bell, Jr.
Otis L. Durham
John Richard Owens
Richard B. Russell, IV
Daniel H. Bull •

TRIBUTE TO TERRY LINDSEY

• Mr. CHAMBLISS. Mr. President, today I pay tribute to a local leader and a true public servant, Mr. Terry Lindsey.

Several years ago, Terry took the helm of marketing at Engineered Fabrics, one of the largest employers in the Rockmart, GA, area. At the end of March, after 33 years on the job, he will leave Engineered Fabrics better than when he started.

In addition to serving Engineered Fabrics, Terry has spent a great deal of his life promoting his community.

Over the years, Terry has sponsored and hosted several Washington fly-ins, giving the Polk County delegation the opportunity to discuss issues of importance to the community with the Georgia congressional delegation—whether it be issues impacting small businesses, banks, education, or other critical issues to Polk County.

I have had the opportunity to get to know Terry during these visits, and I can tell you he is a salt-of-the-earth kind of guy. His friends will tell you that he loves his job, wife, country and God, and is truly thankful for what he has.

Terry, a longtime member of the Polk County Chamber of Commerce, has been involved in strengthening his community through activities such as the Youth Leadership committee and hosting the Development Authority of Polk County and the Intergovernmental Committee of Polk. He has also been a member of the Rotary Club of Rockmart/Polk County, and has provided guidance and encouragement as a mentor. I have no doubt he has touched many lives throughout his career.

The leadership and public service he has provided over the years is tremendously valuable, and he should be very proud of all he has accomplished.

The entire community will miss Terry's visionary leadership.

It is my pleasure to congratulate Terry as he concludes his long and distinguished career and begins retirement.●

TRIBUTE TO RICHARD BASHAM

● Mr. KOHL. Mr. President, I want to take a brief moment to recognize and congratulate Richard Basham on his retirement as football coach of the Marquette University High School Hilltoppers.

Coach Basham led the Hilltoppers for 38 seasons. Throughout his tenure, the Hilltoppers had 4 undefeated seasons, 20 conference championships, and 9 state championships—including in Coach Basham's final season. With 340 career wins, Coach Basham has won more high school football games than any other coach in Wisconsin State history.

In addition to Coach Basham's outstanding work on the football field, he led students in the classroom as a math teacher and chair of the Marquette University High School Mathematics Department. He showed an enduring commitment to bettering the lives of his students and his players, cultivating their passion for success.

In a State that is proud to call Title Town and the great Vince Lombardi its own, Richard Basham will be remembered as the leader of another great football dynasty. In these almost four decades, Coach Basham and Marquette University High School Hilltoppers football have epitomized tradition, discipline, and success both on and off the field.

On behalf of our State, I congratulate Coach Basham on his remarkable coaching career and for his retirement. I wish him good health, happiness, and prosperity for many years to come.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED WITH RESPECT TO THE GOVERNMENT OF CUBA'S DESTRUCTION OF TWO UNARMED U.S.-REGISTERED CIVILIAN AIRCRAFT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice

to the *Federal Register* for publication, stating that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2010.

BARACK OBAMA.

THE WHITE HOUSE, February 23, 2010.

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building".

H.R. 4425. An act to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

At 11:09 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following resolution:

H. Res. 1084. A resolution relative to the death of the Honorable John P. Murtha, a Representative from the Commonwealth of Pennsylvania.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4425. An act to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office"; to the Committee on Homeland Security and Governmental Affairs.

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-4755. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary store at Naval Air Station Barbers Point; to the Committee on Armed Services.

EC-4756. A communication from the Secretary of the Navy, transmitting, pursuant to law, notification that the Program Acquisition Unit Cost metrics for the DDG 1000 Program have exceeded the critical cost growth threshold; to the Committee on Armed Services.

EC-4757. 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) (Docket No. FEMA-2008-0020)) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4758. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding Disclosure Related to Climate Change" (17 CFR Parts 211, 231 and 241) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4759. A communication from the Associate General Counsel for Legislation and Regulations, Office of the General Counsel, 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: Implementation of the Enterprise Income Verification System; Withdrawal of Rescinded Regulatory Amendments" (RIN2501-AD48) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4760. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Emissions of Greenhouse Gases in the United States 2008"; to the Committee on Energy and Natural Resources.

EC-4761. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Correction" (FRL No. 9108-7) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Environment and Public Works.

EC-4762. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Albuquerque-Bernalillo County, New Mexico; Excess Emissions" (FRL No. 9110-2) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Environment and Public Works.

EC-4763. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, an annual report on civil works activities for fiscal year 2007; to the Committee on Environment and Public Works.

EC-4764. A communication from the Program Manager, National Institutes of Health, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Grants for Research Projects" (RIN0925-AA42) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4765. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4766. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Fair and Equitable Treatment: Progress Made and Challenges Remaining"; to the Committee on Homeland Security and Governmental Affairs.

EC-4767. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Classification of Three Steroids as Schedule III Anabolic Steroids Under the Controlled Substances Act" (Docket Number DEA-285F) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on the Judiciary.

EC-4768. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, an annual report on crime victims' rights; to the Committee on the Judiciary.

EC-4769. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the compliance of federal district courts with documentation submission requirements; to the Committee on the Judiciary.

EC-4770. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to its budget request for fiscal year 2011; to the Committee on Rules and Administration.

EC-4771. A communication from the Director of Regulations Management, Center for Veterans Enterprise, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA-Veteran-Owned Small Business Verification Guidelines" (RIN2900-AM78) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Veterans' Affairs.

EC-4772. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention" (RIN0648-AV63) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4773. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Pelagic Fisheries; Vessel Identification Requirements" (RIN0648-AX38) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4774. A communication from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary, received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4775. 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 Off the Exclusive Economic Zone Off Alaska, Steller Sea Lions; Correction" (RIN0648-AY39) received during adjournment of the Senate in the Office of the President

of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4776. 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; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures" (RIN0648-AY13) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4777. 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 "Western Pacific Fisheries; Regulatory Restructuring" (RIN0648-AU71) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4778. A communication from the Acting Director 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 in the Bering Sea and Aleutian Islands" (RIN0648-XT42) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4779. A communication from the Acting Director 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 Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels" (RIN0648-XT87) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4780. A communication from the Acting Director 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 Lottery in Areas 542 and 543" (RIN0648-XT86) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4781. A communication from the Acting Director 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-XU01) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4782. A communication from the Acting Director of Sustainable Fisheries, 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 Fishery; Quota Transfer" (RIN0648-XT61) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4783. A communication from the Acting Director 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; Chiniak Gully Research Area for Vessels Using Trawl Gear" (RIN0648-XT71) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4784. A communication from the Acting Director 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 Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area" (RIN0648-XT95) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4785. A communication from the Acting Director 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-XT97) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4786. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested" (RIN0648-XT98) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4787. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures" (RIN0648-AX95) received in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4788. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures" (MB Docket No. 09-52) received in the Office of the President of the Senate on February 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4789. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements" (MB Docket No. 07-198) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4790. A communication from the Senior Legal Advisor and Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "MariTEL, Inc. and Mobex Network Services, LLC—Petitions for Rule Making to

Amend the Commission's Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees" (FCC 10-6) received in the Office of the President of the Senate on February 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4791. A communication from the Assistant Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Rules Authorizing the Operation of Low Power Auxiliary Station in 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90" (DA 10-92, WT Docket Nos. 08-166 and 167) received in the Office of the President of the Senate on February 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4792. 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; Lower Mississippi River, USACE Revetment, Mile 869 to 303" (RIN1625-AA00)(Docket No. USG-2009-0561) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4793. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Notice Announcing 2010 Adjusted Thresholds for Clayton Act 7A" received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4794. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States" (RIN0694-AE84) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4795. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Select Agents Controls in Export Control Classification Number (ECCN) 1C360 on the Commerce Control List (CCL); Correction to ECCN 1E998" (RIN0694-AE67) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes (Rept. No. 111-126).

S. 2768. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board

for fiscal years 2010 through 2014, and for other purposes (Rept. No. 111-127).

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. SPECTER (for himself, Mr. KAUFMAN, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 3017. A bill to protect State and local witnesses from tampering and retaliation, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. GREGG):

S. 3018. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. SCHUMER, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3019. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BOND, and Mr. MERKLEY):

S. 3020. A bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD (for himself and Mr. ENSIGN):

S. 3021. A bill to amend the Public Utility Regulatory Policies Act of 1978 to authorize the Secretary of Energy to promulgate regulations to allow electric utilities to use renewable energy to comply with any Federal renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. KYL, Mr. DURBIN, Mr. BAYH, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. THUNE, Mr. CASEY, Mr. CORNYN, Ms. COLLINS, Mr. KAUFMAN, Mr. VITTER, Mr. BROWNBACK, and Mr. LEVIN):

S. 3022. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 3023. A bill to phase out the use of private military contractors; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 3024. A bill to ensure that the creation of jobs by small businesses is considered during the Federal legislative and rulemaking process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MERKLEY:

S. 3025. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and

restore the water quality of the Columbia River Basin, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself and Mr. MCCAIN):

S. 3026. A bill to provide fiscal discipline through a freeze on spending and budget process reforms; to the Committee on the Budget.

By Ms. KLOBUCHAR (for herself and Mr. THUNE):

S. 3027. A bill to prevent the inadvertent disclosure of information on a computer through certain "peer-to-peer" file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, and Mr. BENNETT):

S. Res. 419. A resolution supporting the goals and ideals of "National Guard Youth Challenge Day"; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 420. A resolution honoring the members of the Army National Guard and Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 11, 2001; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 553

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 553, a bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize

the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 841

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 910

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti

to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1269

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1269, a bill to provide for enhanced foodborne illness surveillance and food safety capacity, to establish regional food safety centers of excellence, and for other purposes.

S. 1350

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1350, a bill to encourage increased production of natural gas and liquefied petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1733

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1733, a bill to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1931

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1931, a bill to enhance the ability of Congress to oversee matters pertaining to nuclear nonproliferation identified in the findings and rec-

ommendations of the December 2008 Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and for other purposes.

S. 2734

At the request of Mr. FRANKEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2734, a bill to amend the Public Health Service Act with respect to the prevention of diabetes, and for other purposes.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2750

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2750, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten.

S. 2755

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2796

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2803

At the request of Mr. CASEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2803, a bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes.

S. 2816

At the request of Mr. BUNNING, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2816, a bill to repeal the

sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 2904

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2904, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 2925

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2925, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. RES. 412

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 412, a resolution designating September 2010 as "National Childhood Obesity Awareness Month".

S. RES. 414

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 414, a resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. KAUFMAN, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 3017. A bill to protect State and local witnesses from tampering and retaliation, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to make it a Federal offense to intimidate or threaten a witness in a State court proceeding.

This legislation I believe to be necessary based upon some very disastrous experiences in the criminal courts in Philadelphia, as evidenced by a lengthy series of articles in the Philadelphia Inquirer and a field hearing which the Judiciary Subcommittee on Crime and Drugs held in Philadelphia. What has occurred is that in many instances, witnesses are intimidated—even murdered—to prevent them from testifying.

The crime scenes in our big cities are atrocious. I spent eight years as the district attorney of Philadelphia. When I left that position, I didn't think the crime problem could be worse, but regrettably it is now, in many aspects. One of the aspects has been for the young thugs who are under accusation or friends of those who are under

charge to go to the witnesses and terrify them and even murder them. During the course of the field hearing, we had two parents testify about how their children were brutally murdered.

It is a violation of State law to intimidate a witness, but making it a Federal offense imports a great deal more pressure, more power to the situation. People do not like the Federal presence, the initiation of a criminal case, the investigation by the FBI, and the treatment of the Federal courts is materially different—at least in Philadelphia—than it is in the State court proceedings.

I think this kind of legislation would be very salutary. If you don't have the integrity of the judicial process protected, it is a very sad day in the administration of justice. I introduced this legislation on behalf of Senator SCHUMER, Senator KLOBUCHAR, and Senator KAUFMAN.

Mr. President, I ask unanimous consent that the full text of my statement and the text of the bill be printed in the RECORD.

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

Mr. SPECTER. Mr. President, I have sought recognition to introduce the State Witness Protection Act of 2010. I am joined on this legislation by Senators Kaufman, Schumer and Klobuchar as original cosponsors.

As reported by the Philadelphia Inquirer on December 14, 2009, "[p]rosecutors, detectives, and even some defense attorneys say witness fear has become an unspoken factor in virtually every court case involving violent crime in Philadelphia. Reluctant or terrified witnesses routinely fail to appear in court, and when they do, they often recant their earlier testimony or statement to police."

One Philadelphia Assistant District Attorney is quoted in the article saying that at least one witness in every murder trial recants. As a result, Assistant District Attorneys learn to "lock in" witness testimony early with signed statements and testimony under oath, and are expert in cross-examining witnesses who "go south." At times, the prosecutors are forced to lock up witnesses on material witness warrants to assure their appearance at trial.

In Philadelphia between 2006 and 2008, the District Attorney's Office filed witness intimidation charges against approximately 1,000 individuals. Their conviction rate on these charges, however, is only 28%.

Witness intimidation and violent crime are problems that I have worked on for decades, since I was an Assistant District Attorney and later District Attorney in Philadelphia, and on the Judiciary Committee, where I have served since 1981 when I was sworn in.

Criminal trials cannot proceed unless there are witnesses, and if witnesses are subject to intimidation or even worse, murdered, criminal cases cannot go forward. And unless witnesses can be assured they will be protected, the problem of witness intimidation cannot be expected to go away.

Philadelphia's witness intimidation problems are similar to those faced by many communities in our country. A recent Op-Ed in the Chicago Tribune stated that witnesses often want to cooperate with police, but the risk of retribution is too great. The article posed the following question "What would happen if we diminished the risk and created

a greater sense of assurance that the law would do its job in actually making the streets safe as well as protecting those who decide to turn killers in?"

On January 8, 2010, I chaired a field hearing in Philadelphia for the Senate Judiciary Subcommittee on Crime and Drugs on witness intimidation to explore how law enforcement can better protect witnesses. Two parents—each who lost a child to gun violence—testified. Barbara Clowden told us that her son Eric Hayes, 17 years old, was killed just two days before he was to testify in an arson trial in Philadelphia. Because Eric's life had been threatened, in January 2006 his family entered into the city's witness relocation program. Eventually the money from the program ran out and they had to relocate to Northeast Philadelphia where Eric was murdered. No one to date has been convicted of Eric's murder.

Ted Canada is a Philadelphia resident and SEPTA bus driver. In 2005, his son Lamar Canada was shot 12 times and killed by Dominick Peoples and another unidentified shooter in Philadelphia over a gambling debt. One witness to the shooting, Johna Gravitt, 17 years old, was murdered 10 days after he testified at the preliminary hearing and identified Peoples as one of the shooters. Another witness initially cooperated but after his statement to the police was publicly posted in his neighborhood identifying him as a "snitch," he recanted. Peoples, nevertheless, was convicted.

The most notorious example of witness intimidation in Philadelphia involves Kaboni Savage, a drug kingpin who was federally indicted last April on racketeering and murder charges for retaliating against his former drug associate, Eugene Coleman. Coleman had agreed to testify against Savage in a federal trial. The federal charges allege that to retaliate for this, Savage orchestrated the firebombing of Coleman's family home on the 3200 block of North 6th Street in Philadelphia during the early morning hours of October 9, 2004. Killed in the fire were Coleman's mother, Marcella Coleman (age 54); Coleman's infant son, Damir Jenkins (15 months old); Marcella Coleman's niece, Tameka Nash (age 34), and her daughter, Khadjah Nash (age 10); Marcella Coleman's grandson, Tahj Porchea (age 12); and a family friend, Sean Rodriguez (age 15). In a conversation secretly recorded by court authorized wiretaps, Savage explained how witness intimidation works, "Without the witnesses, you don't have no case . . . No witness, no crime."

The witness intimidation problem is exacerbated by internet sites, such as whosarat.com, which expose the identities of witnesses and government informants. Gang members and criminals are becoming more computer savvy. They use the internet to find out who may be a cooperating witness by accessing public court dockets. They also access other sites to locate these individuals. With this information obtained anonymously through the internet, gang members and other criminals can easily threaten or harm witnesses, as well as their family members.

It is imperative that we find a way to make people feel safe if they step forward and provide information to law enforcement. As Philadelphia Police Commissioner Charles H. Ramsey testified at the Subcommittee hearing, "the only way we're going to deal with crime in communities is when the community steps forward, but they have to feel comfortable in doing so and know they have support."

To better protect state witnesses from witness tampering and witness retaliation, I am introducing today The State Witness Protection Act of 2010, a bill that ensures that state witnesses will receive the same protections

from actions of intimidation and retaliation as federal witnesses have under federal law. Making this a federal offense and bringing in the FBI to investigate, as Commissioner Ramsey testified, “would make a tremendous difference and make people think twice before they” engaged in witness intimidation. He explained it this way—

I just think the whole environment or atmosphere when you go into a Federal court versus a local court is just somewhat different, and they [defendants] haven’t been exposed to it that often. I just think it has an impact in the feedback I’ve gotten from people on both sides, whether it’s another law enforcement agency or from a person who’s been in the criminal justice system. They do not want to go into Federal court. (Tr. At 16).

The bill, which tracks the language of 18 U.S.C. §§ 1512 and 1513, provides the same penalties as now provided in federal court for witness tampering in state court proceedings. For state court proceedings, the bill makes it a federal offense to kill, physically harm, threaten to physically harm, harass, or intimidate, or offer anything of value to, a state court witness or victim if done—

with the intent to influence another person’s testimony;

with the intent to induce another to withhold testimony or records, alter or destroy evidence, evade legal process, or be absent from a state proceeding if that person has been summoned by legal process;

with the intent to hinder or prevent a person from providing information to law enforcement; or

with the intent to retaliate against anyone for being a witness or providing testimony or information to law enforcement.

Federal jurisdiction is established by prosecuting only cases where there are communications in furtherance of the offense by mail, interstate or foreign commerce by any means, including computer, interstate or foreign travel in furtherance of the commission of the offense, or the use of weapons which have been shipped or transported across state lines. Any attempt or conspiracy to commit these same offenses is also illegal and subject to the same penalties. And finally, the bill provides for specific guideline enhancements for all obstruction offenses.

The message must be sent loud and clear that serious penalties will be imposed on those who dare to attempt to obstruct justice in our country. The “State Witness Protection Act of 2010” is a strong means of delivering that necessary message.

S. 3017

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 “State Witness Protection Act of 2010”.

SEC. 2. PROTECTION OF STATE AND LOCAL WITNESSES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

“§ 1522. State and local witness tampering and retaliation

“(a) DEFINITIONS.—In this section—

“(1) the term ‘State official proceeding’ means a proceeding before a judge or court of a State or political subdivision thereof; and

“(2) the term ‘physical force’ has the meaning given the term in section 1515.

“(b) TAMPERING AND RETALIATION.—It shall be unlawful, in a circumstance described in subsection (c), for a person to kill, attempt to kill, use physical force or the threat of physical force against, harass, intimidate or

attempt to intimidate, or offer anything of value to, another individual, with the intent to—

“(1) influence, delay, or prevent the testimony or attendance of any person in a State official proceeding;

“(2) prevent the production of a record, document, or other object, in a State official proceeding;

“(3) cause or induce any person to—

“(A) withhold testimony, or withhold a record, document, or other object from a State official proceeding;

“(B) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in a State official proceeding;

“(C) evade legal process summoning that person to appear as a witness, or to produce a record, document or other object in a State official proceeding; or

“(D) be absent from a State official proceeding to which that person has been summoned by legal process;

“(4) hinder, delay, or prevent the communication by any person to a law enforcement officer or judge of a State, or political subdivision thereof, of information relating to the violation or possible violation of a law of a State or political subdivision thereof, or a violation of conditions of probation, parole, or release pending judicial proceedings; or

“(5) retaliate against any person for—

“(A) the attendance of a witness or party at a State official proceeding, or any testimony given or any record, document, or other object produced by a witness in a State official proceeding; or

“(B) providing to a law enforcement officer any information relating to the violation or possible violation of a law of a State or political subdivision thereof, or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings.

“(c) CIRCUMSTANCES.—A circumstance described in this subsection is that—

“(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

“(2) any person travels or is transported in interstate or foreign commerce in the course of the commission of or in furtherance of the commission of the offense; or

“(3) any weapon, including a firearm, shipped or transported across State lines or in interstate or foreign commerce is used in committing or in furtherance of the commission of the offense.

“(d) PENALTIES.—

“(1) IN GENERAL.—Any person that violates this section—

“(A) in the case of a killing, shall be punished as provided under sections 1111 and 1112;

“(B) in the case of an attempt to murder, or the use or attempted use of physical force against any person, shall be fined under this title, or imprisoned for not more than 30 years, or both; and

“(C) in the case of any other violation of this section, shall be fined under this title, imprisoned for not more than 20 years, or both.

“(2) EXCEPTION.—If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment that may be imposed for the offense shall be the higher of—

“(A) the penalty described in paragraph (1); or

“(B) the maximum term that could have been imposed for any offense charged in the criminal case.

“(3) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

“(e) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section, which the defendant shall prove by a preponderance of the evidence, that the conduct committed by the defendant—

“(1) consisted solely of lawful conduct; and

“(2) that the sole intention of the defendant was to encourage, induce, or cause the other person to testify truthfully.

“(f) PENDING PROCEEDING; EVIDENTIARY VALUE.—For the purposes of this section—

“(1) a State official proceeding need not be pending or about to be instituted at the time of the offense; and

“(2) the testimony, or the record, document, or other object obstructed, tampered, or retaliated against by the defendant need not be admissible in evidence or free of a claim of privilege.

“(g) INTENT.—In a prosecution for an offense under this section, the state of mind need not be proved with respect to—

“(1) a State official proceeding before a judge, court, magistrate judge, or grand jury being before a judge or court of a State or political subdivision thereof;

“(2) a judge being a judge of a State or political subdivision thereof; or

“(3) a law enforcement officer being an officer or employee of the State or political subdivision thereof.

“(h) VENUE.—A prosecution brought under this section may be brought—

“(1) in the district in which the State official proceeding (whether or not pending or about to be instituted) was intended to be affected; or

“(2) in the district which the conduct constituting the alleged offense occurred.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 73 of title 18, United States Code, is amended by adding at the end the following:

“1522. State and local witness tampering and retaliation.”.

SEC. 3. SENTENCING GUIDELINES ENHANCEMENT.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to increase the guideline range for Obstruction of Justice, §2J1.2, as follows—

(1) by 2 levels if the defendant threatened or harmed 1 or more individuals on more than 1 occasion;

(2) by 2 levels if the defendant accepted or paid a bribe or payoff as part of a scheme to obstruct justice;

(3) by 2 levels if the defendant destroyed or caused the destruction of documents on a computer; and

(4) by 6 levels if the offense resulted in substantial interference with the administration of justice.

By Mr. LIEBERMAN (for himself, Mr. SCHUMER, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3019. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of

the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

Mr. LIEBERMAN. Mr. President, I rise to speak about the Help Find the Missing Act, otherwise known as Billy's Law, which I am introducing today along with my colleagues, Senators SCHUMER, GILLIBRAND and MERKLEY.

I was introduced to the issues Billy's Law addresses by two of my constituents, Jan and Bill Smolinski, who have lived through a parent's worst nightmare: the disappearance of their son.

On the afternoon of August 24, 2004, then-31-year-old Billy Smolinski disappeared without a trace. He left behind a dog he loved and his brandnew house; a truck with his keys and wallet still inside; and parents who have spent every day since searching for him and praying for his return. One moment he was there, asking his neighbors to look after his dog for a few days, and the next he was gone without explanation.

Jan and Bill Smolinski have spent countless hours working with law enforcement to try to find Billy. Through that experience, they discovered that we do a poor job managing data about missing adults. The bill we are introducing today will help correct those shortcomings so that families in similar situations can focus only on their missing loved ones and not have to worry that their agony will be prolonged simply because we fail to keep track of—and share—critical identifying data.

Billy's Law does three things: It facilitates the sharing of data about missing people between agencies; it requires law enforcement to compile and track missing persons data that is not currently being collected consistently; and it provides funding to improve, monitor, and maintain that data.

It is my hope that no parent will ever have to experience what Jan and Bill Smolinski are going through, and, as a parent, my heart truly goes out to them. Passing Billy's Law will help give families of missing adults confidence that we are doing everything we can to carefully track the information necessary to locate their loved ones.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BOND, and Mr. MERKLEY):

S. 3020. A bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, along with Senators LANDRIEU, BOND, and MERKLEY to introduce the Historically Underutilized Business Zone, HUBZone, Improvement Act of 2010. This vital piece of bipartisan legislation is similar to that which I in-

troduced in the 110th Congress, S. 3699. The purpose of the bill is to help ensure that only eligible firms participate in the critical HUBZone program by requiring that the Small Business Administration, SBA, implement Government Accountability Office, GAO, recommendations for improving the management, oversight and evaluation of the program.

As former Chair and now Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have long championed critical small business programs such as the HUBZone program, which provides Federal contracting opportunities to small firms located in economically distressed areas.

The program is devised to help stimulate economic development and job creation. In these troubled economic times, a properly functioning HUBZone program is essential for nation-wide economic recovery. According to the SBA, as of October 2009, 21,222 certified businesses have participated in the HUBZone program since its inception in 1997. In fiscal year 2008, HUBZone firms were awarded approximately \$10.1 billion in Federal contracts. And let there be no doubt—with the Federal Government contracting for over \$500 billion in goods and services in fiscal year 2009 alone—we must have a robust and trustworthy HUBZone program for small businesses to continue generating jobs in our nation's most economically distressed communities.

The GAO has issued multiple reports detailing fraud and abuses within the HUBZone program. Alarming, the GAO found that the mechanisms the SBA uses to certify and monitor HUBZone firms provide limited assurance that only eligible firms participate in the program. The GAO specifically stated that the "SBA's control weaknesses exposed the government to fraud and abuse." The GAO also had concerns that the SBA had no mechanisms to adequately assess program results.

The legislation I am introducing today would take immediate steps to rectify the serious issues that GAO found. The bill requires the SBA to implement the GAO recommendations resulting from the study and audits. These include maintaining an accurate, correct and up-to-date map; implementing policies that ensure that only eligible firms participate in the program; employing appropriate technology to control costs and maximize other benefits, such as uniformity, completeness, simplification and efficiency; notifying the Congressional Small Business Committees of any backlogs in applications and recertifications with plans and timetables for eliminating the backlogs; and implementing plans to assess the effectiveness of the HUBZone program.

Moreover, the Federal Government must strive to continue to provide maximum practicable contracting opportunities to those who are legitimate

HUBZone firms. I am dismayed by the myriad ways that government departments and agencies have time and again egregiously failed to meet most of their statutory small business contracting goals. I am alarmed that only one Federal small business contracting program—the Small Disadvantaged Business program—has met its statutory goal, and that the three other small business goaling programs have all fallen drastically short. In fiscal year 2008, the Federal Government met only 2.34 percent of its 3 percent government-wide goal for the HUBZone program. Even worse, the Federal Government missed meeting its overall goal for small business contracting by almost 2 percent, depriving small businesses of over \$10 billion.

I am confident that this legislation will require the changes necessary to eliminate fraud while paving the way for the Federal Government to maximize the use of this contracting vehicle. In turn, qualified HUBZone firms will provide the essential job creation and economic development necessary in their respective communities. The HUBZone program is a tremendous tool for replacing lost jobs across all industry sectors in distressed geographic areas, and clearly, this program should be better utilized.

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. 3020

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 "HUBZone Improvement Act of 2010".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms "HUBZone" and "HUBZone small business concern" and "HUBZone map" have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(3) the term "recertification" means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 3. PURPOSE; FINDINGS.

(a) PURPOSE.—The purpose of this Act is to reform and improve the HUBZone program of the Administration.

(b) FINDINGS.—Congress finds that—

(1) the HUBZone program was established under the HUBZone Act of 1997 (Public Law 105-135; 111 Stat. 2627) to stimulate economic development through increased employment and capital investment by providing Federal contracting preferences to small business concerns in those areas, including inner cities and rural counties, that have low household incomes, high unemployment, and suffered from a lack of investment; and

(2) according to the Government Accountability Office, the weakness in the oversight

of the HUBZone program by the Administration has exposed the Government to fraud and abuse.

SEC. 4. HUBZONE IMPROVEMENTS.

The Administrator shall—

(1) ensure the HUBZone map—
(A) is accurate and up-to-date; and
(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and
(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

SEC. 5. EMPLOYMENT PERCENTAGE.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

“(i) DEFINITION.—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) HUBZONE PROGRAM.—The term ‘HUBZone program’ means the program established under section 31.

“(9) HUBZONE MAP.—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

SEC. 6. REDESIGNATED AREAS.

Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

By Mr. FEINGOLD (for himself and Mr. ENSIGN):

S. 3021. A bill to amend the Public Utility Regulatory Policies Act of 1978 to authorize the Secretary of Energy to promulgate regulations to allow electric utilities to use renewable energy to comply with any Federal renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, today I am introducing the Support Renewable Energy Act of 2010 with my colleague, Senator ENSIGN. This bill would modify the Renewable Electricity Standard currently drafted in the American Clean Energy Leadership Act to ensure that all forms of renewable energy qualify.

I am pleased that the Senate is again considering the implementation of a Renewable Electricity Standard that will encourage the development and deployment of new and existing renewable energy technologies. However, as the proposed Renewable Electricity Standard is currently drafted, only electricity-producing renewable technologies would qualify. This would exclude direct use renewable energy technologies that displace the need for electricity, rather than produce electricity.

Our legislation would modify the definition of renewable energy as it applies to the draft Renewable Electricity Standard to include customer-sited renewable energy equipment. Specific examples of these direct use technologies are solar water heating, solar space heating and cooling, solar daylight and light-pipe technology, biogas, and ground source geothermal heat pumps. These technologies can be used in homes and businesses to provide light, heating, and cooling directly—without the need for electricity from the grid. This legislation will allow utilities to generate renewable energy credits equal to the electricity or thermal energy displaced by direct use renewable energy technologies in order to meet a Renewable Electricity Standard.

In addition to the reduced stress on our overburdened electricity transmission grid, the incentivized production and installation of these renewable technologies would spur the growth of green, sustainable jobs. One example of the potential for job creation was provided to me by Orion Energy Systems in my home State of Wisconsin. Orion manufactures light-pipes, which captures natural light on a roof and transfers that light through a pipe to a ceiling, where it is diffused to light a room, like a traditional light bulb. Because light pipes uses solar en-

ergy directly to produce light, rather than generate electricity, this innovative technology would not qualify as renewable energy under the draft Renewable Electricity Standard.

Orion has already retrofitted approximately 5,000 facilities with improved lighting technology nationwide. With about 400 lighting fixtures on average, if these same facilities decided to upgrade to the light-pipe technology it would take between 6 million and 10 million man-hours to install. These would be jobs for roofers and carpenters at a time when the construction industry is badly in need of work.

Direct use renewable energy technologies have significant environmental benefits. The energy savings from retrofitting these facilities with the light-pipe would amount to a savings of between 915 and 1,934 gigawatts of electricity per year, which amounts to the energy equivalent of 343 to 725 million tons of coal that would not have to be burned, avoiding the release of between 0.6 and 1.28 million tons of carbon dioxide from entering the atmosphere. In addition, the users of this technology will save money on their electric bill, which could then be used for other things, like hiring new employees or increasing salaries.

This is just one company and one of the many technologies that would qualify for the expanded Renewable Electricity Standard under our legislation. This is clearly a win-win-win situation for jobs, the facilities that install the technologies and save on energy costs, and for the environment.

Direct use renewable energy technology is cost-effective, can be deployed locally, requires no new transmission infrastructure, and can be utilized in areas throughout the country that cannot sustain a commercial-scale power generation facility from other renewable energy sources. Furthermore, it will create much needed American jobs in both manufacturing and construction. I encourage my colleagues to support the Support Renewable Energy Act of 2010.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. KYL, Mr. DURBIN, Mr. BAYH, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. THUNE, Mr. CASEY, Mr. CORNYN, Ms. COLLINS, Mr. KAUFMAN, Mr. VITTER, Mr. BROWNBACK, and Mr. LEVIN):

S. 3022. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MCCAIN. Mr. President, February 11, 2010, was the 31st anniversary of the Islamic Republic of Iran. For most Iranians, the Islamic Republic is the only government they have ever known, and unfortunately, it is a record that many would rather forget—

31 years of economic potential lost and the resources of a great and proud nation stolen by a corrupt ruling elite; 31 years of a regime that puts its own selfish interests and those of foreign terrorist groups ahead of the needs of the Iranian people; 31 years of justice denied, freedom curtailed, and dignity trampled.

In recent months, the world has watched in awe as hundreds of thousands of Iranians have said “enough,” and demanded better for themselves. They have taken to the streets and the Internet, risking the violent reprisal of a regime without conscience, in order to insist on their universal human rights. In television news clips and YouTube videos, in Twitter updates and countless online exchanges, the world has seen the naked oppression of the Iranian regime and its masked agents.

We have watched as peaceful Iranian demonstrators for human rights have been beaten, and shot—even murdered—in the streets of cities across Iran.

We have watched as Iranian men and women—many not more than young boys and girls—have been rounded up in their homes and dormitories, and hauled away unlawfully to face torture and other abuses in the darkest corners of the country, where the eyes of the international community struggle to see.

Just a few months ago, we watched as a young woman named Neda was shot in broad daylight by agents of the Iranian government. And as that young woman bled to death in the street, it became clear to me and many others that this was the beginning of the end of the Islamic Republic. After 31 years, that day cannot come soon enough, but how and when it does is up to the Iranian people.

This struggle continues in Iran. On February 11, many Iranians took to the streets again to demonstrate peacefully for freedom and justice. Again, many were beaten. Again, many were detained unlawfully. Again, many were no doubt tortured—and worse. The world has watched these abuses long enough. Now the world must act. It is long past time for democratic, law-abiding nations to stand up together, to speak with one voice, and to show these courageous Iranian human rights advocates that the free world is on their side. The recent statement between the U.S. and the European Union supporting human rights in Iran is a welcome development, and I hope to see more and more such joint actions.

It is also long past time for the U.N. Security Council to impose the crippling sanctions on the Iranian government that have been promised for so long. As that negotiation drags on, individual countries should not refrain from taking their own individual actions to impose pressure on the rulers of Iran for failing to abide by their own international agreements, both security agreements and human rights

agreements. In that vein, I was pleased to see the White House recently announce a new set of sanctions against four Iranian entities and one individual active in Iran’s nuclear program. I hope there is a lot more where that came from.

I do not wish, however, to confine our sanctions effort only to those persons in Iran who threaten our security and that of our allies, either through their support for terrorism or Iran’s weapons programs. I also want to bring the full force of America’s economic power to bear against those in Iran who threaten that country’s peaceful human rights and democracy activists. That is why, just a few weeks ago, I sought to introduce an amendment to the Comprehensive Iran Sanctions, Accountability, and Divestment Act, which would impose targeted sanctions on persons in Iran who violate the human rights of their fellow citizens.

Building on that earlier effort, today I am introducing, together with my good friend and colleague Senator JOE LIEBERMAN, the Iran Human Rights Sanctions Act, which is co-sponsored by a broad bipartisan group of U.S. Senators.

This bill has two parts.

First, it would require the President to compile a public list of individuals in Iran who, starting with the presidential election last June, are complicit in human rights violations against Iranian citizens and their families, no matter where in the world those abuses occur. I want to stress: This would be a public list, posted for all the world to see on the websites of the State and Treasury Departments. We will shine a light on the names of Iran’s human rights abusers, and we will make them famous for their crimes.

Second, this bill would then ban these Iranian individuals from receiving U.S. visas, and impose on them the full battery of sanctions under the International Emergency Economic Powers Act. That means, freezing any assets and blocking any property they hold under U.S. jurisdiction, and ending all their financial transactions with U.S. banks and other entities. If passed into law, this would be the first time the U.S. Government has ever imposed punitive measures against persons in Iran because of their human rights violations.

In short, under this bill, Iranian human rights abusers would be completely cut off from the global reach of the U.S. financial system, and that would send a powerful signal to every country, company, and bank in the world that they should think twice about doing business with the oppressors of the Iranian people.

Over the past year, the President has made every effort to extend a hand to the Iranian government—to seek to overcome 31 years of painful history, and to search for common ground on matters of common interest. Unfortunately, the President’s generosity has

been met defiantly, again and again, with the clenched fist of Iran’s rulers—a fist that is increasingly stained with the blood of the Iranian people. It should now be clear that the Iranian regime has no desire to meet its international responsibilities and every desire to use all the tools of violence and repression at its disposal to crush the peaceful aspirations of Iran’s citizens.

Faced with this disturbing reality, America must lead an international effort to support the human rights of the Iranian people, and to put that effort at the center of our policy toward Iran. We must encourage our international partners, especially our European allies, to do the same, and to impose their own targeted sanctions on Iran’s human rights abusers. This is not about picking winners in an internal Iranian matter. It is about standing up for the universal values we hold dear, and championing the cause of all who seek to secure those values for themselves.

The Iran Human Rights Sanctions Act is an important start of this effort, and I encourage my colleagues in Congress to move quickly and pass it into law.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 3024. A bill to ensure that the creation of jobs by small businesses is considered during the Federal legislative and rulemaking process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, I rise today, with my colleague Senator PRYOR, to introduce the Job Impact Analysis Act of 2010, a bipartisan measure that will help ensure that the Federal Government—both Congress and agencies of the executive branch—fully considers small business job creation in the bills we pass here in Congress and in the rules and regulations that agencies promulgate.

As the former Chair and now Ranking member of the Senate Committee on Small Business and Entrepreneurship, I believe there is no more urgent imperative than job creation in our country. With 25,000 additional unemployed in my State of Maine alone, since the recession began in 2007, and twenty-three million Americans unemployed or underemployed, it is more paramount than ever that everything we do must focus like a laser on jumpstarting our economy. Furthermore, the fastest route to recovery runs through Main Street small businesses, which over the past 15 years have generated 64 percent of all net new jobs in this country, and so we must foster an entrepreneurial environment where small businesses can take risks and invest in the future to preserve and create more jobs.

The legislation we are introducing today would help make sure that in whatever measure we are debating—whether it be health care reform, a jobs

bill, or financial services overhaul—that we strive to discern whether it contributes to creating a climate in which our smallest enterprises and entrepreneurs cannot only survive, but thrive. It would amend the Congressional Budget and Impoundment Control Act of 1974 to direct the Congressional Budget Office, CBO, to the extent practicable, to estimate in a “job impact statement” the potential job creation or job loss attributable to each bill or joint resolution reported by a congressional committee that exceeds \$5 billion in costs. For years we have had environmental impact statements, and so in 2010, I do not think it is too much to ask, where are the job impact statements?

As our Nation continues to reel from the worst set of economic circumstances since World War II, Congress must focus on job creation, and we must begin by ensuring all economic factors—including potential small business job creation and job loss—are fully considered in debate of every bill that we consider in the Senate. It is clear that Washington has ignored the will of the people for far too long. At a time when the Nation is struggling to dig out of the deepest recession since the Great Depression, we must ensure that our country once again brings to bear the kind of ingenuity, creativity, and innovation that made America and our free-market economy the greatest and most powerful on earth. I believe that a job impact statement attached to every bill with costs over \$5 billion would provide a powerful incentive for Congress to focus its efforts where they belong and help Congress focus on what matters to the American people these days—job creation.

In addition, onerous regulations are crushing the entrepreneurial spirit of America's small businesses. In 2009, there were close to 70,000 pages in the Federal Register, which chronicles new regulations by the government. Furthermore, according to research by the Small Business Administration's, SBA's, Office of Advocacy, the annual cost of Federal regulations totals \$1.1 trillion, and small firms bear a disproportionate burden, paying approximately 45 percent more per employee in annual regulatory compliance costs than larger firms. Small firms also spend twice as much on tax compliance than their larger counterparts.

So our legislation includes several targeted regulatory reforms that would help to ensure that Federal agencies fully consider small business implications during the rulemaking process. The reforms in our bill are based on what we introduced in the Regulatory Flexibility Reform Act in the 109th Congress and the Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008, from the 110th Congress. Most of these reforms have been supported by a host of small business stakeholders, including the U.S. Chamber of Commerce, the Na-

tional Federation of Independent Business, the National Small Business Association, the National Association for the Self-Employed, Women Impacting Public Policy, the National Black Chamber of Commerce, Small Business Legislative Council, and the U.S. Hispanic Chamber of Commerce.

Our measure would amend the Regulatory Flexibility Act, RFA, the seminal legislation, enacted in 1980, which requires agencies to consider the impact of their regulatory proposals on small businesses, to analyze effective alternatives that minimize small business impact, and to make their analyses available for public comment. The RFA requires federal agencies to conduct a small business analysis any time a proposed Federal rule would impose a “significant impact on a substantial number of small businesses.” Unfortunately, there remain a number of loopholes in the RFA that undermine its effectiveness in reducing these regulatory burdens.

Our legislation would close loopholes in this process, while also ensuring that Federal agencies consider potential job creation and job loss during the rulemaking process. In far too many cases, Federal agencies promulgate rules and regulations without adequately addressing the economic impact on small businesses. Under our legislation agencies must consider the “indirect” effects of an “economic impact.” Rules with indirect effects are currently exempt from RFA coverage according to well-established case law. This has serious consequences for small businesses. It means that Federal agencies can avoid the various analyses required under the RFA by either requiring the states to regulate small entities or regulating an industry so rigorously that it has a negative trickle down impact on other industries. For example, rules can regulate a handful of large manufacturers in the same industry. Yet, a foreseeable, indirect effect of these rules—not presently considered under RFA analyses—is that small distributors would no longer have the right to sell the product produced by the larger manufacturers.

The RFA has already saved billions of dollars for small businesses by forcing government regulators to be sensitive to their direct impact on small firms. If billions of dollars can be filtered out of direct regulatory mandates upon small business while improving workplace safety and environmental conditions, even more can be saved by filtering out unnecessary or duplicative costs to those small businesses indirectly impacted by regulation. Those dollars would be better spent by the businesses hiring more employees or providing existing employees with greater benefits, and would also help to prevent unintended job loss through regulatory requirements.

Our legislation also requires Federal agencies to consider comments provided by the SBA's Office of Advocacy,

which has historically not received the public attention it deserves. In case after case, it has been the last, best hope for small businesses faced with burdensome, duplicative and nonsensical Federal regulations. Our legislation would also amend the RFA to include a provision for agencies to specifically respond to comments filed by the Chief Counsel for Advocacy. Codifying this necessary change would ensure that agencies give the proper deference to the Office of Advocacy, and to the comments and concerns of small businesses. This is a straightforward and simple reform that could have major benefits.

In addition, our measure would also clarify the circumstances for when “periodic review” under the RFA is required. Many questions have arisen as a result of ambiguous language in the RFA that has caused some confusion as to what rules require periodic review, and when. Under our bill, periodic review, with a focus on potential job creation or job loss, would be required for all final rules that would impose a significant impact on a substantial number of small businesses. Agencies would be required to review all 10-year-old rules every year to avoid confusion over which rules to review. In addition, agencies would be required to review rules every 10 years and not just the first 10 years.

Finally, our bill would ensure the statutory and budgetary independence of the SBA Office of Advocacy, a key office that is intended to be the independent voice for small business within the Federal Government. It is charged with the duty of representing the views and interests of small businesses before other Federal agencies, and developing proposals for changing government policies to help small businesses. These roles can sometimes come into conflict.

Our bill would resolve such conflicts in favor of the small businesses that rely on the Chief Counsel and the Office of Advocacy to be a fully independent advocate within the Executive Branch. The bill would help to reinforce a clear mandate that the Office of Advocacy must fight on behalf of small businesses, regardless of the position taken on critical issues by the administration. Funding for the Office of Advocacy currently comes from the “Salaries and Expense Account” of the SBA's budget. Staffing is allocated by the SBA Administrator to the Office of Advocacy from the overall staff allocation for the Agency. In 1990, there were 70 full-time employees working on behalf of small businesses in the Office of Advocacy. Today, there are fewer than 50. The independence and effectiveness of the Office is potentially diminished when the Office of Advocacy staff is reduced, at the discretion of the administrator.

To address this problem, our legislation would build a firewall to minimize political intrusion into the management of day-to-day operations of the

Office of Advocacy similar to the one that protects Inspectors General in other agencies. The bill would require the Federal budget to include a separate account for the Office of Advocacy drawn directly from the General Fund of the Treasury. No longer would its funds come from the general operating account of the SBA. This will free the Chief Counsel for Advocacy from having to seek approval from the SBA Administrator to hire staff for the Office of Advocacy.

Our bill would leave unchanged current law that allows the Chief Counsel to hire individuals critical to the mission of the Office of Advocacy without going through the normal competitive procedures directed by Federal law and the Office of Personnel Management. This long-standing special hiring authority, which is limited only to employees within the Office of Advocacy, is beneficial because it allows the Chief Counsel to hire quickly those persons who can best assist the Office in responding to changing issues and problems confronting small businesses.

This non-controversial, bipartisan legislation is absolutely necessary. I urge my colleagues to support my bill so we can ensure that our Nation's small businesses and their employees are provided with much needed relief.

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. 3024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Job Impact Analysis Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Job impact statement for reported bills and joint resolutions.
- Sec. 4. Clarification and expansion of rules covered by the Regulatory Flexibility Act.
- Sec. 5. Requirements providing for more detailed analyses.
- Sec. 6. Periodic review of rules.
- Sec. 7. Office of Advocacy.
- Sec. 8. Clerical amendments.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of

the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,100,000,000,000. Small firms bear a disproportionate burden, paying approximately 45 percent, or \$7,647, more per employee than larger firms in annual regulatory compliance costs.

(6) The Federal Government should fully consider the costs, including indirect economic impacts and the potential for job creation and job loss, of proposed rules.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job creation or job loss.

(8) To the maximum extent practicable, the Director of the Congressional Budget Office should, in certain estimates the Director prepares with respect to bills or joint resolutions reported by congressional committees, estimate the potential job creation or job loss attributable to the bills or joint resolutions.

SEC. 3. JOB IMPACT STATEMENT FOR REPORTED BILLS AND JOINT RESOLUTIONS.

Section 424 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658c) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) if the Director estimates that the total amount of direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed \$5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in State, local, and tribal governments as a result of the mandates.”; and

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) if the Director estimates that the total amount of direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed \$5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in the private sector as a result of the mandates.”.

SEC. 4. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking “RECORDKEEPING REQUIREMENT.—The” and inserting “the”; and

(B) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) any direct economic effect of the rule on small entities; and

“(B) any indirect economic effect on small entities, including potential job creation or job loss, that is reasonably foreseeable and that results from the rule, without regard to whether small entities are directly regulated by the rule.”.

SEC. 5. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) **INITIAL REGULATORY FLEXIBILITY ANALYSIS.**—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job creation and employment by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.”.

(b) **FINAL REGULATORY FLEXIBILITY ANALYSIS.**—

(1) **IN GENERAL.**—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (1), by striking “succinct”;

(C) in paragraph (2)—

(i) by striking “summary” each place it appears and inserting “statement”; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(D) in paragraph (3), by striking “an explanation” and inserting “a detailed explanation”;

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(F) by inserting after paragraph (2) the following:

“(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments.”.

(2) **PUBLICATION OF ANALYSIS ON WEB SITE, ETC.**—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement.”.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job creation or job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”.

SEC. 6. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a) Not later than 180 days after the enactment of the Job Impact Analysis Act of 2010, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities). Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the Web site of the agency.

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Job Impact Analysis Act of 2010 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for review of rules adopted after the date of enactment of the Job Impact Analysis Act of 2010 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency

determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

“(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

“(d) In reviewing rules under such plan, the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (c);

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the current impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small business jobs that will be lost or created by the rule; and

“(C) the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(e) The agency shall publish in the Federal Register and on the Web site of the agency a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”.

SEC. 7. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.”.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

“SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

“(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

“(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.”.

SEC. 8. CLERICAL AMENDMENTS.

(a) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

“§ 605. Incorporations by reference and certifications”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”; and

(2) by striking the item relating to section 607 and inserting the following:

“607. Quantification requirements.”.

By Mr. MERKLEY:

S. 3025. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and restore the water quality of the Columbia River Basin, and for other purposes; to the Committee on Environment and Public Works.

Mr. MERKLEY. 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. 3025

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 “Columbia River Restoration Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Columbia River is the largest river in the Pacific Northwest and the fourth largest river in the United States by volume. The river is 1,243 miles long, and its drainage basin includes 259,000 square miles, extending into 7 States and British Columbia, Canada, and including all or part of 5 national parks,

the Columbia River Gorge National Scenic Area, and the Hells Canyon National Recreation Area.

(2) The Columbia River Basin and its tributaries provide significant ecological and economic benefits to the Pacific Northwest and the entire United States. Traditionally, the Columbia River Basin and its tributaries were the largest salmon producing river system in the world, with annual returns peaking at as many as 30 million fish. The Columbia River drainage basin includes more than 6 million acres of irrigated agricultural land, and its 14 hydroelectric dams, combined with additional dams on its tributaries, produce more hydroelectric power than any other North American river.

(3) The Lower Columbia River Estuary stretches 146 miles from the Bonneville Dam to the mouth of the Pacific Ocean, and much of this area is degraded. Polychlorinated biphenyls (PCBs) in salmon tissue and polycyclic aromatic hydrocarbons (PAHs) in salmon prey exceed estimated thresholds for delayed mortality, increased disease susceptibility, and reduced growth. Legacy contaminants (DDT and PCBs) banned in the 1970s are still detected in river water, sediments, and juvenile Chinook salmon. Several pesticides have been detected, including atrazine and simazine, which can affect salmon behavior or act as hormone disruptors. Emerging contaminants, such as hormone disruptors from pharmaceutical and personal care products, have been found in river water and juvenile male salmon. These contaminants may impair salmon growth, health, and reproduction.

(4) The Middle and Upper Columbia River Basin includes 1,050 miles of the mainstem Columbia River upstream of the Bonneville Dam, including the 1,040 miles of its largest tributary, the Snake River, and all of the tributaries to both rivers. The Environmental Protection Agency's (EPA's) Columbia River Basin Fish Contaminant Survey detected the presence of 92 priority pollutants, including PCBs, dioxins, furans, arsenic, mercury, and DDE (a breakdown product of DDT), in fish that are consumed by the Confederated Tribes of the Warm Springs, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe, as well as by other people consuming fish throughout the Columbia River Basin. A fish consumption survey by the Columbia River Intertribal Fish Commission showed that tribal members were eating 6 to 11 times more fish than EPA's estimated national average. The nuclear and toxic contamination at the Hanford Nuclear Reservation presents an ongoing risk of contamination in the Middle Columbia Basin. Sampling of sediments by the EPA in 2004 documented widespread presence of toxic flame retardants known as polybrominated diphenyl ethers.

(5) Contamination of the Middle and Upper Columbia River Basin has a direct impact on water quality and habitat quality in the Lower Columbia River Estuary. Investments in habitat restoration and toxics reduction in the Middle and Upper Columbia River Basin can have significant benefits for fish and wildlife throughout the entire basin.

(6) Together with the Governors of Oregon and Washington, the EPA created the Lower Columbia River Estuary Partnership (Estuary Partnership) in 1995 to provide regional coordination to focus on the lower river, to advance the science of the ecosystem, and to deliver environmental results. The Estuary Partnership was formed within the National Estuary Program and provides a structure for organization and collaboration to implement Federal priorities. The Estuary Partnership includes all key Federal agencies as

part of its management and governing structure, including the EPA, the United States Geological Survey (USGS), the National Oceanic and Atmospheric Administration (NOAA), the Army Corps of Engineers, the Forest Service, and tribal, State, and local governments.

(7) The Columbia River Basin was designated by the EPA as an "Estuary of National Significance" in 1995 and a "Large Aquatic Ecosystem" in 2006.

(8) The Estuary Partnership has developed an unparalleled 2-State, public and private partnership, including unprecedented collaborative efforts among key Federal partners, including the EPA, the NOAA, the USGS, and the Army Corps of Engineers to advance Federal goals, and the Estuary Partnership and its partners have gathered scientific information and compiled data, and have made significant gains in habitat protection and environmental education.

(9) Despite these advances, further degradation exists and contaminants persist in the Columbia River Basin and are impairing the health of fish, wildlife, and humans. Degraded conditions in the river exacerbate the challenges already faced by the 13 species of salmon and steelhead in the Columbia River Basin listed as threatened or endangered under the Endangered Species Act of 1973.

(10) The "Estuary Partnership Comprehensive Conservation and Management Plan" (1999), the "Northwest Power and Conservation Council Lower Columbia Province Plan" (2004, amended 2008), the draft "NOAA Columbia River Estuary Recovery Module for Salmon and Steelhead" (2010), the States of Oregon, Idaho, and Washington Recovery Plans, the "Biological Opinion for the Federal Columbia River Power System (FCRPS)" (2000, 2004, 2008), and the "EPA Columbia Basin State of the River Report for Toxics" (2009) consistently identify habitat loss and toxic contamination as threats to fish and wildlife.

SEC. 3. COLUMBIA RIVER.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 123. COLUMBIA RIVER.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) ACTION PLAN.—The term 'Action Plan' means the 'Columbia River Basin Toxics Reduction Action Plan' developed by the Environmental Protection Agency and the Columbia River Toxics Reduction Working Group in 2010, including any amendments thereto.

"(2) COMPREHENSIVE PLAN.—The term 'Comprehensive Plan' means the 'Estuary Partnership Comprehensive Conservation and Management Plan' adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320, including any amendments thereto.

"(3) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the Lower Columbia River Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

"(4) LOWER COLUMBIA RIVER AND ESTUARY.—The term 'Lower Columbia River and Estuary' means the region consisting of the lower 146 miles of the Columbia River Basin from the Bonneville Dam to the Pacific Ocean.

"(5) MIDDLE AND UPPER COLUMBIA RIVER BASIN.—The term 'Middle and Upper Columbia River Basin' means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam, including the Snake River (and its tributaries) and other tributaries of the Columbia River.

"(6) TEAM LEADER.—The term 'Team Leader' means the Team Leader appointed under subsection (b).

"(b) PROGRAM TEAM.—

"(1) ESTABLISHMENT.—The Administrator shall establish in the Environmental Protection Agency a Columbia River Program Team. The Team shall be located within the Oregon Operations Office for Region 10 of the Environmental Protection Agency.

"(2) APPOINTMENT OF TEAM LEADER.—The Administrator shall appoint a Team Leader, who, by reason of management experience and technical expertise relating to the Columbia River Basin, shall be highly qualified to support the development and implementation of projects, programs, and studies necessary to implement the Action Plan.

"(3) DELEGATION OF AUTHORITY; STAFFING.—The Administrator shall delegate to the Team Leader such authority and provide such additional staff as may be necessary to carry out this section.

"(c) DUTIES.—

"(1) IN GENERAL.—In carrying out this section, the Administrator, acting through the Team Leader, shall—

"(A) assist and support the implementation of the Action Plan and the Comprehensive Plan;

"(B) coordinate the implementation of the Action Plan and the Comprehensive Plan, and the development of any updates to those plans, with programs and projects in the Middle and Upper Columbia River Basin;

"(C) make such other updates to the Action Plan and the Comprehensive Plan as the Administrator, in consultation with appropriate Federal agencies, the States of Oregon, Washington, and Idaho, tribal governments, local governments, and other public and private interests in the Columbia River Basin, considers appropriate;

"(D) provide funding and make grants for implementation of the Action Plan and the Comprehensive Plan and projects, programs, and studies consistent with the priorities of the Action Plan and the Comprehensive Plan;

"(E) promote innovative methodologies and technologies that are cost effective and consistent with the identified goals and objectives of the Action Plan and the Comprehensive Plan and the permitting processes of the Environmental Protection Agency;

"(F) coordinate the major functions of the Federal Government related to the implementation of the Action Plan and the Comprehensive Plan, including projects, programs, and studies for—

"(i) water quality improvements;

"(ii) toxics reduction and monitoring;

"(iii) wetland, riverine, and estuary restoration and protection;

"(iv) nearshore and endangered species recovery; and

"(v) stewardship and environmental education;

"(G) coordinate the research and planning projects authorized under this section with Federal agencies, State agencies, tribal governments, universities, and the Estuary Partnership, including conducting or commissioning studies considered necessary for strengthened implementation of the Action Plan and the Comprehensive Plan;

"(H) track progress toward meeting the identified goals and objectives of the Action Plan and the Comprehensive Plan by—

"(i) implementing and supporting a project, program, and monitoring system consistent with performance-based ecosystem standards and management; and

"(ii) coordinating, managing, and reporting environmental data related to the Action Plan and the Comprehensive Plan in a manner consistent with methodologies utilized

by the Estuary Partnership, including making such data and reports on such data available to the public, including on the Internet, in a timely fashion; and

“(1) collect and make available to the public, including on the Internet, publications and other forms of information relating to the environmental quality of the Lower Columbia River and Estuary.

“(2) IMPLEMENTATION METHODS.—The Administrator, acting through the Team Leader, may enter into interagency agreements, make intergovernmental personnel appointments, provide funding, make grants, and utilize other available methods in carrying out the duties under this subsection.

“(d) REPORT.—Not later than one year after the date of enactment of this section, and biennially thereafter, the Administrator shall submit to Congress a report that—

“(1) summarizes the progress made in implementing the Action Plan and the Comprehensive Plan and the progress made toward achieving the identified goals and objectives described in such plans;

“(2) summarizes any modifications to the Action Plan and the Comprehensive Plan made in the period immediately preceding the report;

“(3) incorporates specific recommendations concerning the implementation of the Action Plan and the Comprehensive Plan; and

“(4) summarizes the roles and progress of each Federal agency that has jurisdiction in the Columbia River Basin toward meeting the identified goals and objectives of the Action Plan and the Comprehensive Plan.

“(e) IMPLEMENTATION OF ACTION PLAN AND COMPREHENSIVE PLAN.—

“(1) IN GENERAL.—The Administrator, acting through the Team Leader and in consultation with the Estuary Partnership, shall carry out projects, programs, and studies to implement the Action Plan and the Comprehensive Plan.

“(2) PRIORITY PROJECTS, PROGRAMS, AND STUDIES.—The Administrator may give special emphasis to projects, programs, and studies that are identified as priorities by the Estuary Partnership in the Action Plan and the Comprehensive Plan.

“(3) GRANTS.—

“(A) IN GENERAL.—The Administrator, acting through the Team Leader, is authorized to make grants for projects, programs, and studies to implement the Action Plan and the Comprehensive Plan.

“(B) ALLOCATIONS.—In making grants using funds appropriated to carry out this paragraph for a fiscal year, the Administrator, acting through the Team Leader, shall use—

“(i) not less than 40 percent of the funds to make a comprehensive grant to the Estuary Partnership to manage implementation of the Comprehensive Plan;

“(ii) not less than 50 percent of the funds to make grants, as allocated by the Team Leader, for projects, programs and studies prioritized in the Action Plan throughout the Columbia River Basin, and for other coordinated projects, programs, and studies in the Middle and Upper Columbia River Basin; and

“(iii) not more than 5 percent of the funds for project management, administration, and reporting.

“(4) FEDERAL SHARE.—The Federal share of the costs for which a grant is made under this section shall be 75 percent, except that the Administrator may increase the Federal share in such circumstances as the Administrator determines appropriate.

“(f) ANNUAL BUDGET PLAN.—The President, as part of the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency in-

volved in protection and restoration of the Columbia River Basin, including—

“(1) an interagency crosscut budget that displays for each Federal agency—

“(A) the amounts obligated in the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

“(B) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

“(C) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

“(2) a description and assessment of the Federal role in the development and implementation of the Action Plan and the Comprehensive Plan and the specific role of each Federal agency involved in protection and restoration of the Columbia River Basin, including specific projects, programs, and studies conducted or planned to achieve the identified goals and objectives of the Action Plan and the Comprehensive Plan.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section \$40,000,000 for each of fiscal years 2011 through 2016. Such sums shall remain available until expended.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 419—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL GUARD YOUTH CHALLENGE DAY”

Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, and Mr. BENNETT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 419

Whereas “National Guard Youth Challenge Day” will be celebrated on February 24, 2010;

Whereas high school dropouts need guidance, encouragement, and avenues toward self-sufficiency and success;

Whereas over 1,300,000 students drop out of high school each year, costing this Nation more than \$335,000,000,000 in lost wages, revenues, and productivity over the lifetimes of these individuals;

Whereas the life expectancy for a high school dropout is 9 years less than that of a high school graduate, and a high school dropout can expect to earn about \$19,000 each year, compared to approximately \$28,000 for a high school graduate;

Whereas 54 percent of high school dropouts were jobless during an average month in 2008, with 40 percent having no job for the entire year;

Whereas each annual class of high school dropouts cost this Nation over \$17,000,000,000 in publicly subsidized health care over the course of their lives;

Whereas approximately 90 percent of individuals in prisons throughout the United States are high school dropouts;

Whereas the goal of the National Guard Youth Foundation, a non-profit 501(c)(3) organization, is to improve the education, life skills, and employment potential of high school dropouts in the United States through public awareness, scholarships, higher education assistance, and job development programs;

Whereas the National Guard Youth Challenge Program provides military-based

training, supervised work experience, assistance in obtaining a high school diploma or equivalent degree, and development of leadership qualities, as well as promotion of citizenship, fellowship, service to their community, life skills training, health and physical education, positive relationships with adults and peers, and career planning;

Whereas the National Guard Youth Challenge Program represents a successful joint effort between States and the Federal Government;

Whereas since 1993, the National Guard Youth Challenge Program has developed 32 programs in 27 States and Puerto Rico;

Whereas since 1993, over 92,850 young individuals have successfully graduated from the program, with 80 percent earning their high school diploma or GED certificate, 24 percent going to college, 18 percent joining the military, and 57 percent entering the workforce with career jobs;

Whereas the National Guard Youth Challenge Program has successfully helped high school dropouts in this Nation; and

Whereas the National Guard Youth Challenge Program can play a larger role in providing assistance to the youth of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Guard Youth Challenge Day”; and

(2) calls upon the people of the United States to observe “National Guard Youth Challenge Day” on February 24, 2010, with appropriate ceremonies and respect.

Ms. LANDRIEU. Mr. President, on behalf of myself and my colleagues Senator LINCOLN, Senator CHAMBLISS, Senator SHAHEEN, Senator MURKOWSKI, Senator BARRASSO and Senator BYRD, I rise today to submit a resolution in support of the goals and ideals of National Guard Youth Challenge Day and in support of the Youth Challenge program.

Few programs have been as effective in combating the high rate of high school dropouts as the Youth Challenge program.

Established by the National Guard in 1993 to help at-risk youth aged 16-18 who have dropped out or been expelled from school, the National Guard Youth Challenge program includes a 5-month residential program and 12-month mentoring program where participants learn life-skills, gain real-life work experience, receive on-the-job training, participate in community service and have the opportunity to earn a high school diploma or GED.

Everyone knows that high school dropouts face much greater challenges than their peers who finish school. Dropouts have an unemployment rate of 40 percent, as compared to the national average of 10 percent. Fifty-four percent of high school dropouts were jobless in an average month during 2008 alone.

One in every three teen mothers is a dropout and one in four babies is born to a high school dropout. Dropouts have a life expectancy that is nine years less than a high school graduate.

While looking for programs that keep students in school, we must also focus on programs that offer our high school dropouts a road back, and the National Guard Youth Challenge Program is one such program.

The National Guard Youth Challenge program has graduated more than 92,850 former high school dropouts from the program to date, with 99 percent of them going on to pursue higher education, a career in the military or employment, according to a recent audit.

The annual cost of graduating one child from the Youth Challenge program is \$14,000. Contrasted with the \$40,000 it costs to incarcerate that same youth, it is no surprise the program has earned the enthusiastic bipartisan support of governors nationwide.

The program currently operates only 32 programs across 27 states and Puerto Rico. Last year alone, of the 18,701 dropouts who applied to this voluntary program, more than 40 percent were turned away due to lack of funding.

Unfortunately, America has one of the highest dropout rates in the world among developed nations. Nationally, an estimated one-third of high school freshmen do not graduate from high school in four years; in the 50 largest U.S. cities, the dropout rate may be closer to 50 percent. That totals 1.2 million high school dropouts each year.

The soaring dropout rate is a national crisis that costs our economy billions of dollars each year to support dropouts who are more likely to be unemployed or underemployed, incarcerated, on public welfare, or teen parents.

The median income of a high school dropout is \$18,000, versus \$25,000 for a high school graduate, and the annual unemployment rate for dropouts is 40 percent compared with the nationwide rate of 10 percent.

This means that each dropout, over the course of his or her lifetime, contributes \$60,000 less in taxes that an individual with a high school degree.

Each class of dropouts costs States \$17 billion in publicly subsidized health care costs over the course of their lives.

Individuals lacking a high school education also make up 90 percent of our nation's prison population accounting for \$45 billion of the \$50 billion spent annually on incarceration.

The economic cost in lost productivity and earnings over the course of a high school dropout's lifetime is \$329 billion, according to the Alliance for Excellent Education.

Over the next decade, if current dropout rates persist, the economic loss to our nation will total more than \$3 trillion.

Eleven States have requested funding to start a program. Unlike most programs, the Youth Challenge program requires States to match 25 percent of the program's cost with the Federal Government providing 75 percent, and three States with existing programs are seeking funding for additional programs.

The National Guard Youth Challenge Program changes more than just the cadet; it transforms entire families and communities.

According to the parent of a recent Challenge graduate in Louisiana: "I had struggled for several years trying to give [my son] what he needed in the way of direction. He had no ambition, no direction, no goals for the future, no interest whatsoever in school, and appeared to have no grasp of how poorly his future looked if he continued on the road he was on. The successes the Youth Challenge program provided gave him a self-confidence I've never seen in him before. He realizes he can achieve anything he wants in life if he is willing to put forth the effort. Thank you for giving me my son back."

Our nation can no longer afford to lose ground educationally if we are to compete in a global, knowledge-based society. As President Obama noted in his speech, "In this country, the success of our children cannot depend more on where they live than on their potential." In order to make that sentiment a reality, we must not only address needed reforms to put our failing schools back on track, but also expand programs that reach out to those youth who dropped out of high school to ensure that they have every chance to succeed. The future of our youth—and our economy—depends on it.

Do not just take my word for it. Tomorrow morning I am hosting a panel and discussion about the Youth Challenge Program in the Russell Building, Room 485 from 10:30 to 11:45. I invite all of my colleagues to meet some of these remarkable young men and women who have made the choice to turn their lives around.

Again, I ask my colleagues to join with me to pass this resolution which shines a much needed light on a program that is truly making a difference in the lives of our greatest natural resource—our children.

This is a happy subject, and one for which I think the Presiding Officer shares my enthusiasm, and that is our support of the National Guard Youth Challenge Program. Tonight we are celebrating at the fifth gala that supports this program, and tomorrow I will be hosting, along with many of our colleagues, a panel about the success of the National Guard Youth Challenge Program.

The Presiding Officer was a Governor before she became a Senator, so she knows very well the challenges of workforce development, moving our young people through high school so they graduate on time with the requisite skills to allow them to be ready to go to college or ready to go to work. Unfortunately, that is not the case in America today with too many of our young people. So we are struggling here in Congress; Governors are looking for programs all over the country; educators are searching for what works.

I am here to tell my colleagues that there is a program that works, and I thank the Presiding Officer for her support. I also wish to thank Senator LINCOLN, Senator CHAMBLISS, Senator

SHAHEEN, Senator MURKOWSKI, Senator BARRASSO and Senator BYRD for co-sponsoring this resolution and for calling attention to the fact that tomorrow is National Guard Youth Challenge Day. But more than joining in this resolution, I hope this Congress, as this appropriations process starts for this year, when looking to find a wise way to spend a dollar, will look to the National Guard Youth Challenge Program.

This program reaches out in 27 States and Puerto Rico with over 32 programs to kids between the ages of 16 and 18 who have given up on themselves and whose families have given up on them. They haven't been arrested yet. They haven't been incarcerated yet. They haven't gotten into trouble with drugs yet, but they are on the road in that dangerous direction. This program offers them an opportunity to take a different road. It offers them an opportunity to change. I am proud to say that since this program was started here in Congress and in partnership with Governors and non-profits around the country, we have graduated thousands of children from this program with an almost 95-percent success rate, which with this group is almost unheard of. This is a 17-month program including 5 months of residential schooling followed by 12 months of mentorship. So in 17 months, kids who were headed in the wrong direction are literally turned around and headed in the right direction. That is because it is a combination of all of the best practices: getting them out of their environment and introducing them to a new set of disciplines and rules and regulations. It is not a boot camp. There are not wires around these facilities. These young people can leave any day. It is completely voluntary. But they stay because they know they need the discipline. They know they need the focus. They know our men and women of the National Guard care not just about our country as a whole but about the individual citizens who make up the country. Through our National Guard, men and women give of their time in terms of teaching and training. It is a phenomenal program.

I don't know if the Presiding Officer has attended some of the graduations, but I have, and I think perhaps she has, and many of our colleagues have. They share with me their stories. They say, Senator, I have given speeches at many of my college graduations and at many wonderful, prominent, large high schools, but the graduations that have touched me the most have been the graduations of the Youth Challenge cadets. Sometimes a program will graduate 100 cadets; sometimes smaller programs will graduate 50; but there are always lots of tears of joy in those auditoriums around the country when these cadets graduate.

I will never, ever forget standing in Alexandria, actually Camp Beauregard, right outside of Alexandria, a central Louisiana city. I had given my speech.

I thought it was pretty good, but it wasn't spectacular. It was very good. I heard a grown man behind me sobbing. I thought to myself, I hope I haven't said anything inappropriate in my remarks. He came up to me with these huge arms and hugged me from the back and said, Senator, I have never known my government to do anything good for me—I don't know if I agree with that—but, he said, Today, you have given me my son back. I will never forget that as long as I live. That is what this program means to parents. It is giving them their children back, which is the greatest gift a parent, as the Presiding Officer knows, having four children, can have. These kids are floundering in the regular high schools, not making any sense to them, because we haven't done I think what we should be doing in all cases with them in high school. This program works. Not only does it work for the individual, but it works for our economy.

I wish to read into the RECORD a few of the statistics about what it means to our country when we save one person from dropping out of high school. These are the statistics. One in every three teen mothers is a dropout from high school. One in four babies born is born to a high school dropout. The National Guard program has graduated more than 92,850 former high school dropouts with 99 percent of them going on to either pursue higher education, a career in the military, or employment, according to a recent audit. The annual cost of graduating one child from this program is \$14,000. Contrast that with the \$40,000 it costs annually for incarceration of someone who failed to graduate, got on the wrong road, got involved in drugs or in a life of crime. For a \$14,000 investment, leveraging the strength of the National Guard, leveraging the hopes and prayers of parents who want so much for their children to turn around, leveraging the power of the individual child knowing something is wrong and wanting to make it right, I couldn't think of a better program than this.

I have spoken personally to Secretary Arne Duncan about this. I have spoken personally on every occasion I can to members of the White House leadership team and the education team and the members of the Defense Appropriations team. So I am hoping we recognize the soaring dropout rate as a national crisis that costs our economy billions of dollars. There are programs that work. Not every program that government invents or frames fails. So for people who say we can't spend any more money, let's spend it on programs such as this. Let's move the money from some programs that aren't working as well to programs such as this and leverage the investments our country is making, whether it is through the National Guard or through other programs.

The median income of a high school dropout is \$18,000 versus \$25,000 for a high school graduate. Over a lifetime,

that amounts to literally millions of dollars in lost employment opportunities.

There are any number of reasons. I think I have explained them fairly well. I will submit a longer statement for the RECORD. But again, today, we wish to recognize our National Guard Youth Challenge Program. We wish to thank the National Guard. Not only are they on the front lines in Iraq and in Afghanistan and everywhere around the world, but they are on the front lines right here, helping us educate future military members, future executives, future workforce leaders, and we are very proud of the leadership of the National Guard.

I wish to thank the Presiding Officer again for her support and for the support of many of our colleagues for this very worthwhile and meritorious program.

SENATE RESOLUTION 420—HONORING THE MEMBERS OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE STATE OF OKLAHOMA FOR THEIR SERVICE AND SACRIFICE ON BEHALF OF THE UNITED STATES SINCE SEPTEMBER 11, 2001

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 420

Whereas members of the Army National Guard and Air National Guard of the State of Oklahoma reside throughout the State and come from various communities, backgrounds, and professions;

Whereas the Army National Guard and Air National Guard of the State of Oklahoma are composed of several units, including the Joint Forces Headquarters, the 45th Infantry Brigade Combat Team, the 45th Fires Brigade, the 90th Troop Command, the 189th Regional Training Institute, Camp Gruber Joint Maneuver Training Center, the 137th Air Refueling Wing, the 138th Fighter Wing, the 205th Engineering Installation Squadron, and the 219th Engineering Installation Squadron;

Whereas, since September 11, 2001, units and members of the Army National Guard and the Air National Guard of the State of Oklahoma have been deployed, and are continuously being deployed, in support of United States military operations at home and abroad;

Whereas the 45th Infantry Brigade mobilized in 2003 for Operation Enduring Freedom and deployed more than 700 soldiers to Afghanistan to provide training to Afghan Security Forces;

Whereas the 45th Infantry Brigade Combat Team mobilized in 2007 for Operation Iraqi Freedom and deployed more than 2,700 soldiers to provide command and control and conduct security force and detainee operations, representing the largest single deployment for the Oklahoma Army National Guard since the Korean War;

Whereas the 45th Fires Brigade mobilized in 2008 for Operation Iraqi Freedom and deployed more than 1,000 soldiers to provide command and control and conduct security force operations;

Whereas 90th Troop Command units mobilized for Operation Iraqi Freedom and Oper-

ation Enduring Freedom and deployed more than 2,600 soldiers to conduct combat support and combat service support missions;

Whereas the 189th Regional Training Institute and Camp Gruber Joint Maneuver Training Center have provided professional training to military and nonmilitary personnel to enhance domestic security and prepare units for deployments abroad;

Whereas the Oklahoma Army National Guard mobilized in 2005 and deployed more than 2,500 soldiers to support relief operations in response to Hurricanes Katrina and Rita, including assisting law enforcement agencies with traffic control and security, transporting and distributing food, water, and ice, conducting search and rescue and ground and air evacuations, providing generator support, and performing other missions to protect life and property;

Whereas the 137th Airlift Wing mobilized in 2003 for Operation Iraqi Freedom and deployed to the Kingdom of Saudi Arabia as part of the largest C-130 wing assembled in history, transporting troops, food, supplies, and equipment to United States forces in Iraq;

Whereas the 137th Airlift Wing mobilized in 2003 for Operation Enduring Freedom and deployed to Uzbekistan, providing critical airlift and logistical support for United States forces in Afghanistan;

Whereas between 2003 and 2006, the 137th Airlift Wing transported 39,368 troops and 11,170 tons of critical cargo to United States forces in Iraq and Afghanistan;

Whereas the 137th Airlift Wing mobilized in 2005 and deployed one of the first C-130 units to support relief operations in response to Hurricane Katrina, including evacuating hospital and nursing home residents to safety by air, providing critical logistical support, and airlifting 2,500 members of the Oklahoma Army National Guard to population centers to provide aid to hurricane victims;

Whereas the 138th Fighter Wing mobilized in 2005, 2007, and 2008 for Operation Iraqi Freedom and deployed to Iraq to provide close air support and engage in combat missions, during which the 138th Fighter Wing expended 109,000 pounds of combat ordnance and successfully destroyed numerous targets; and

Whereas, since September 11, 2001, the 138th Fighter Wing has flown numerous Air Sovereignty Alert missions in the United States, protecting high value domestic targets against attack and contributing to homeland defense, and in 2008 the 138th Fighter Wing was recognized as the most active alert facility in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Oklahoma and their families for their service and sacrifice on behalf of the United States since September 11, 2001; and

(2) recognizes the citizen-soldiers and airmen of the Oklahoma National Guard as invaluable to the national security of the United States, vital to defending against threats both foreign and domestic, and essential for responding to State and national emergencies.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3324. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 3325. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 30, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

TEXT OF AMENDMENTS

SA 3324. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. ____ . EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

SA 3325. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 30, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; as follows:

On page 3, beginning with line 23, strike through line 7 on page 4.

On page 8, between lines 17 and 18, insert the following:

“(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

On page 8, line 18, strike “(7)” and insert “(8)”.

On page 9, line 18, strike “(8)” and insert “(9)”.

NOTICE OF HEARING

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 business meeting scheduled before Committee on Energy and Natural Resources, previously announced for February 10th, has been rescheduled and will now be held on Wednesday, March 3, 2010, at 10 a.m., immediately preceding the full committee hearing, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations.

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 ARMED SERVICES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 23, 2010, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 23, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 23, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

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

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 23, 2010, at 10 a.m., in room 215 of the Dirksen Office Building, to conduct a hearing entitled “Trade and Tax Issues Relating to Small Business Job Creation.”

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

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 23, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Are Foreign Libel Lawsuits Chilling Americans’ First Amendment Rights?”

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

AFRICAN AFFAIRS SUBCOMMITTEE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 23, 2010, at 10:15 a.m., to hold a African Affairs subcommittee hearing entitled “Exploring the Nigeria-U.S. Bilateral Relationship.”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Com-

mittee on Intelligence be authorized to meet during the session of the Senate on February 23, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 23, 2010, at 10 a.m., in room 253 of the Russell Office Building.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on February 23, 2010 at 2:30 p.m. to conduct a hearing entitled, “Countdown to Census Day: Progress Report on the Census Bureau’s Preparedness for the Enumeration.”

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

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND ORGANIZATIONS, HUMAN RIGHTS, DEMOCRACY, AND GLOBAL WOMEN’S ISSUES AND SUBCOMMITTEE ON NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 23, 2010, at 3 p.m., to hold a joint International Operations and Organizations, Democracy and Human Rights and Near Eastern and South and Central Asian Affairs subcommittee hearing entitled “Afghan Women and Girls: Building the Future of Afghanistan.”

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

DEPLORING THE RAPE AND ASSAULT OF WOMEN IN GUINEA AND THE KILLING OF POLITICAL PROTESTERS

On Monday, February 22, 2010, the Senate agreed to S. Res. 345, as amended, as follows:

S. RES. 345

Whereas, on December 23, 2008, a group of military officers calling itself the National Council for Democracy and Development (referred to in this preamble as the “CNDD”) seized power in a coup in Guinea, installed as interim President Captain Moussa Dadis Camara, and promised to hold elections;

Whereas, on September 28, 2009, authorities of the Government of Guinea opened fire on a crowd of thousands of unarmed opposition protesters who were gathered in and around an outdoor stadium to protest statements made by Captain Camara that he may run

for president, after he said that he would not;

Whereas, on September 29, 2009, the United States Department of State condemned the brazen and inappropriate use of force by the military against civilians in Guinea, and demanded the immediate release of opposition leaders and a return to civilian rule as soon as possible;

Whereas according to the United Nations Security Council Report of the International Commission of Inquiry Mandated to Establish the Facts and Circumstances of the Events of 28 September 2009 in Guinea, 156 people were killed or disappeared and at least 109 women and girls “were subjected to rape and other sexual violence, including sexual mutilation and sexual slavery”;

Whereas according to Human Rights Watch, these killings and assaults were part of a “premeditated massacre” in which the “level, frequency, and brutality of sexual violence that took place at and after the protests strongly suggests that it was part of a systematic attempt to terrorize and humiliate the opposition, not just random acts by rogue soldiers”;

Whereas the United Nations High Commissioner for Human Rights characterized the events as a “blood bath” and stated that they “must not become part of the fabric of impunity that has enveloped Guinea for decades”;

Whereas according to the humanitarian organization CARE, “What happened in Guinea is an outrage—and a stark reminder of a larger epidemic of violence against women and girls around the world.”;

Whereas Amnesty International reports that violence against women knows few bounds, and that “in armed conflicts, countless women and girls are raped and sexually abused by security forces and opposition groups as an act of war, and often face additional violence in refugee camps. Government sponsored violence also exists in peacetime, with women assaulted while in police custody, in prison, and at the hands of any number of state actors.” and that “violence against women is a violation of human rights that cannot be justified by any political, religious, or cultural claim”;

Whereas the International Commission of Inquiry of the United Nations concluded that “the crimes perpetrated on 28 September 2009 and in the immediate aftermath can be described as crimes against humanity” and that there is sufficient evidence that Captain Camara “incurred individual criminal liability and command responsibility for the events that occurred during the attack and related events in their immediate aftermath”;

Whereas, on January 15, 2010, General Sekouba Konate and Captain Camara of the Republic of Guinea and President Blaise Compaoré of Burkina Faso signed the Joint Declaration of Ouagadougou pledging to form a transitional government of national unity in Guinea, to hold elections within six months without the participation of candidates from the military junta, and to permit the entry of an international observer mission from the Economic Community of West African States; and

Whereas, in accordance with the Joint Declaration of Ouagadougou, a prime minister from the coalition of opposition forces, Forces Vives, has been named to the transitional government: Now, therefore, be it

Resolved, That the Senate—

(1) deplores the rape and assault of women and the killing of political protestors in Guinea;

(2) urges the prosecution, by the appropriate authorities, of those responsible for orchestrating or carrying out the violence in Guinea;

(3) urges the President, in coordination with leaders from the European Union and the African Union, to continue to consider punitive measures that could be taken against senior officials in Guinea found to be complicit in the violence, and in particular, the atrocities perpetrated against women and other gross human rights violations;

(4) encourages the President to remain actively engaged in the political situation in Guinea, and to continue to convey that the blatant abuse of women will not be tolerated;

(5) calls on President Blaise Compaoré of Burkina Faso to ensure that Captain Camara does not return to Guinea in order to allow a peaceful transition to civilian rule;

(6) notes that the first steps set forth in the Joint Declaration of Ouagadougou have been initiated with the naming of a prime minister and urges all parties to continue to adhere to the agreement to see the process through free, fair, and timely elections; and

(7) recognizes the importance of the multi-lateral observer mission to help ensure peace and security in Guinea during the period of transition.

TRUTH IN CALLER ID ACT OF 2009

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 194, S. 30.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 30) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Rockefeller amendment which is at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The amendment (No. 3325) was agreed to, as follows:

(Purpose: To revise the provision relating to the effect of the new subsection on other laws)

On page 3, beginning with line 23, strike through line 7 on page 4.

On page 8, between lines 17 and 18, insert the following:

“(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

On page 8, line 18, strike “(7)” and insert “(8)”.

On page 9, line 18, strike “(8)” and insert “(9)”.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 30

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 “Truth in Caller ID Act of 2009”.

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

“(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

“(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

“(3) REGULATIONS.—

“(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission shall prescribe regulations to implement this subsection.

“(B) CONTENT OF REGULATIONS.—

“(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines is appropriate.

“(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

“(I) any authorized activity of a law enforcement agency; or

“(II) a court order that specifically authorizes the use of caller identification manipulation.

“(4) REPORT.—Not later than 6 months after the enactment of the Truth in Caller ID Act of 2009, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

“(5) PENALTIES.—

“(A) CIVIL FORFEITURE.—

“(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,000,000 for any single act or failure to act.

“(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

“(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

“(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice of apparent liability.

“(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

“(6) ENFORCEMENT BY STATES.—

“(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

“(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

“(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission shall have the right—

“(i) to intervene in the action;

“(ii) upon so intervening, to be heard on all matters arising therein; and

“(iii) to file petitions for appeal.

“(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(E) VENUE; SERVICE OR PROCESS.—

“(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

“(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

“(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

“(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

“(8) DEFINITIONS.—For purposes of this subsection:

“(A) CALLER IDENTIFICATION INFORMATION.—The term ‘caller identification infor-

mation’ means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

“(B) CALLER IDENTIFICATION SERVICE.—The term ‘caller identification service’ means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

“(C) IP-ENABLED VOICE SERVICE.—The term ‘IP-enabled voice service’ has the meaning given that term by section 9.3 of the Commission’s regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.

“(9) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection.”.

EARLY CANCER DETECTION MONTH

Mr. REID. I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of H. Con. Res. 158 and the Senate proceed to the consideration of that matter.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 158) expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HAGAN. Mr. President, I rise in support of Senate passage of H. Con. Res. 158, the House companion to a resolution I introduced last August to highlight greater awareness of breast and other cancers by designating an early cancer detection month. This House resolution is sponsored by my good friend and colleague from North Carolina, Congressman BOB ETHERIDGE.

Almost every person has been touched by cancer, either personally or through a family member or friend who has suffered from some form of the disease. Sadly, every year, more than 2 million new cases of cancer are diagnosed in the United States.

The most common forms of cancer diagnosed in Americans are skin cancer, breast cancer in women, prostate cancer in men, lung cancer, and colorectal cancers. And it is estimated that in 2009, over half a million Americans died from all types of cancer.

Last year, in North Carolina, there were an estimated 42,270 new cases of cancer and more than 18,000 deaths due to cancer. Of those lost, 1,300 deaths were from breast cancer in women and 860 deaths from prostate cancer.

Current cancer treatments include surgery, radiation, chemotherapy, hormone therapy, biological therapy, and targeted therapy; however, there is no

cure. Many oncologists and breast cancer researchers believe that a cure for breast cancer will not be discovered until well into the future.

However, we cannot sit idly by while we wait for a cure. Instead, we must continue to support organizations, health care providers, and even our friends who work so hard to raise awareness about cancer, particularly cancer prevention and early detection. Fortunately, many forms of cancer can be prevented altogether, such as skin cancer and lung cancer. In addition, at least half of all new cancer cases can be prevented or detected earlier by screening, and if detected early enough, more than 75 percent of all people could be saved when cancer is most treatable.

For breast cancer, early detection has been proven to reduce mortality. This is encouraging, due to the fact that 1 in 8 women in the United States will develop breast cancer in her lifetime.

In 2008 alone, the overall cost of cancer in the United States was estimated at \$228.1 billion. Greater awareness and early detection of all cancers will not only save tens of thousands of lives, but also greatly reduce the financial strain on the government and private health care services by detecting cancer before it requires very expensive treatment.

Cancer has taken an enormous toll on our society’s health and economy. But this disease, in all its forms, is often detectable at early stages. By designating a month to focus on early detection for breast cancer and all other forms of cancer, we will address some of the principle challenges that inhibit screening and prolong detection. Enhanced awareness and screening are the keys to reducing morbidity and mortality from cancer and reducing the financial and emotional stress that this disease places on Americans.

I want to thank Senator RICHARD DURBIN for joining me in cosponsoring the Senate resolution. I also would like to thank Representative ETHERIDGE for sponsoring the House companion, which passed on January 21. I am extremely pleased that both Chambers have been supportive of this issue and that the Senate is adopting this concurrent resolution today.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 158) was agreed to.

The preamble was agreed to.

RECOGNIZING THE AMERICAN KENNEL CLUB

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of

S. Res. 393, and we now proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 393) recognizing the contributions of the American Kennel Club.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 393

Whereas the American Kennel Club (AKC), headquartered in New York City, with an operations center in Raleigh, North Carolina, was founded in 1884, operates the world's largest registry of purebred dogs and is the Nation's leading not-for-profit organization devoted to the advancement, study, responsible breeding, care, and ownership of dogs;

Whereas the American Kennel Club approves, sanctions, and regulates the events of its 609 member clubs and monitors more than 4,000 licensed and sanctioned clubs throughout the United States who hold events under American Kennel Club rules and regulations;

Whereas in 2008, the American Kennel Club sanctioned or regulated 22,630 sporting events that included breed conformation, agility, obedience, earthdog, herding, field trial, retrieving, pointing, tracking, and coonhound events;

Whereas the American Kennel Club honors the canine-human bond, advocates for the purebred dog as a family companion, advances canine health and well-being, works to protect the rights of all dog owners, and promotes responsible dog ownership;

Whereas the American Kennel Club promotes responsible dog ownership and breeding practices and supports thousands of volunteers and teachers from affiliated clubs across the country who teach responsible dog ownership and safety around dogs;

Whereas the American Kennel Club founded and supports the AKC Humane Fund, which promotes the joy and value of responsible pet ownership by supporting breed rescue activities, educating adults and children about responsible dog ownership, and assisting human-services organizations that permit domestic abuse victims access to shelters with their pets;

Whereas the American Kennel Club trains and employs kennel inspectors and conducts over 5,200 kennel inspections each year;

Whereas the American Kennel Club promotes responsible dog ownership, care, and handling of dogs to over 21,000 youths ages 9 to 18 years old enrolled in its National Junior Organization;

Whereas the American Kennel Club is the largest purebred dog registry in the world and the only registry that incorporates health screening results into its permanent dog records;

Whereas the American Kennel Club offers the largest and most comprehensive set of DNA programs for the purposes of parentage

verification and genetic identity to ensure reliable registration records;

Whereas the American Kennel Club created and supports the Canine Health Foundation (CHF), which funds research projects focusing on the genetics of disease, the canine genome map, and clinical studies, and has donated over \$22,000,000 to the CHF since 1995;

Whereas the American Kennel Club created and operates DOGNY: America's Tribute to Search and Rescue Dogs, which supports canine search and rescue organizations across the United States;

Whereas the American Kennel Club annually awards \$170,000 in scholarships to veterinary and veterinary technical students;

Whereas the American Kennel Club has reunited more than 340,000 lost pets and their owners through the AKC Companion Animal Recovery (CAR) program;

Whereas the American Kennel Club established the AKC Canine Good Citizen program, which certifies dogs with good manners at home and in the community;

Whereas the American Kennel Club maintains the world's largest dog library and the Museum of the Dog in St. Louis, which houses one of the world's largest collections of dog-related fine art and artifacts, both of which are open to the public; and

Whereas the American Kennel Club celebrates its 125th anniversary this year: Now, therefore, be it

Resolved, That the Senate honors the American Kennel Club for its service to dog owners and the United States public.

SUPPORTING THE GOALS OF NATIONAL ENGINEERS WEEK

Mr. REID. I ask unanimous consent that the Commerce Committee be discharged from consideration of S. Res. 417 and we now move to that matter.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 417) supporting the goals and ideals of National Engineers Week, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 417) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 417

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill the needs of society;

Whereas engineers have helped to address the major technological and infrastructural challenges of our time, including providing water, defending the Nation, and developing clean energy technologies that are needed to power the American people into the future;

Whereas engineers are a crucial link in research, development, and the transformation of scientific discoveries into useful products and jobs, as the people of the United States

look more than ever to engineers and their imagination, knowledge, and analytical skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that promote global collaboration and support reliable infrastructures;

Whereas the sponsors of National Engineers Week are working together to transform the engineering workforce through greater inclusion of women and underrepresented minorities;

Whereas the 2009 National Academy of Engineering and National Research Council report entitled "Engineering in K-12 Education" highlighted the potential role for engineering in primary and secondary education as a method to improve learning and achievement in science and mathematics, increase awareness of engineering and the work of engineers, help students understand and engage in engineering design, build interest in pursuing engineering as a career, and increase technological literacy;

Whereas an increasing number of the approximately 1,500,000 engineers in the United States are nearing retirement;

Whereas National Engineers Week has developed into a formal coalition of more than 100 professional societies, major corporations, and government agencies that are dedicated to ensuring a diverse and well-educated engineering workforce, promoting literacy in science, technology, engineering, and math, and raising public awareness and appreciation of the contributions of engineers to society;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions that the first President, who was both a military engineer and a land surveyor, made to engineering; and

Whereas, February 14, 2010, to February 20, 2010, has been designated as National Engineers Week by the National Engineers Week Foundation and its coalition members: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Engineers Week to increase understanding of and interest in engineering careers and to promote technological literacy and engineering education; and

(2) continues to work with the engineering community to ensure that the creativity and contributions made by engineers can be expressed through research, development, standardization, and innovation.

ORDERS FOR WEDNESDAY, FEBRUARY 24, 2010

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message with respect to H.R. 2847, with the time until 9:55 a.m. equally divided and controlled between the two leaders or their designees.

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

PROGRAM

Mr. REID. Mr. President, at 9:55 a.m. tomorrow, the Senate will proceed to a

series of two rollcall votes. The first vote will be on the motion to waive the Gregg budget point of order with respect to the Reid jobs amendment. If the motion is successful, there will be another vote on the motion to concur with respect to H.R. 2847.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Wednesday, February 24, 2010, at 9:30 a.m.