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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Gracious and merciful God, You guide the humble and teach them Your way. What can keep us from praising You? Even amid life's toils and tears, we find tokens of Your care and providence. Thank You for the beauty of sunrise and the glory of sunset, for nourishing food and the support of family and friends. We are grateful for the joys of work well done and for even the challenges that strengthen our faith. Lord, we praise You for a nation of rich resources, high privilege, and enlarging freedoms.

Thank You also for our Senators and all who faithfully work with them. Today, gladden their hearts and reward them for their service. May they live this day as a never-to-be-repeated opportunity to glorify You. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 23, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 90 minutes, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 45 minutes and the Republicans will control the final 45 minutes.

Following morning business, the Senate will resume consideration of the Interior Appropriations bill. Last night, I filed cloture on the bill and the substitute amendment. As a result, Senators must have their germane amendments filed at the desk prior to 1 p.m. today.

I also want to remind Senators there is a reception and buffet dinner in S. 211 tonight—that is the LBJ room—at 6 o'clock to celebrate Henry Clay in the Senate.

There is a wonderful story about a 150-year-old painting that was discovered. It is a magnificent painting, right outside these doors, and we will talk a little about that tonight. It is historic and a great way to recognize the success of this country over the years.

We will need to be out of session at 5:30 for the Senate reception room to

be swept by the security folks. This event is hosted by the Senate Commission on Art, and our spouses will be expecting us to be on time.

I want to say also that 45 minutes of our time is going to be controlled by Democratic freshmen Senators. The American people are going to see here today the quality of the people who are new Senators—all successful prior to coming here, from many different walks of life, men and women. As I have watched these past 9 months the bringing of these men and women into Senate business, I am so impressed and understand how they did so well before coming here. Today, they are going to talk about health care.

As an example of the quality of our Senators—and I am not going to run through all the freshmen Senators—we have our Presiding Officer. The Presiding officer had a long and successful career before coming to the Senate as Attorney General of the State of New Mexico, as a long-time Member of Congress, and now as a Member of this body.

I had one of the pleasures of my life a month or so ago in being able to go to New Mexico and spend about an hour with the Presiding Officer's father—the historic Stewart Udall. What a wonderful visit we had. We talked about his brother Morris Udall, whom I had the good fortune of being able to serve with in the House of Representatives. I am sure that Morris Udall is beaming up in Heaven that his son Mark is now serving in the Senate.

What a quality group of people they are, and the American people are going to be seeing them in a few minutes as they talk about health care. I don't know what they are going to talk about with regard to health care, but I can almost bet that one of the things all these fine Senators are going to say is that we do not have as an option in health care to do nothing. The status quo will not work.

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



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Because of the monopolistic handle the insurance company has on everything that happens—all the profits being made by the insurance industry, the pharmaceutical industry—the cost of health care is leaving 50 million American people uninsured, with many people losing their insurance. Today, 14,000 people will wake up in America with health insurance and go to bed without it. In the State of Nevada—sparsely populated, relatively speaking—220 people will wake up this morning with health insurance and go to bed tonight losing it, 7 days a week.

I admire and appreciate the freshmen Senators speaking out on the need to do something about health care.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 45 minutes and the Republicans controlling the second 45 minutes.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the time for morning business not begin until a quarter to 10.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. McCONNELL. Mr. President, yesterday afternoon I came to the floor to speak out against one of the tactics that supporters of the President's health care proposal have resorted to in recent days.

It appears that a particular Senator has encouraged the administration to use its powers to clamp down on an opponent of the administration's health care policy—to clamp down—to use the

administration to clamp down on an opponent of the President's health care policy. What is more, the administration snapped to attention at the Senator's request. It followed the Senator's advice and almost immediately the government clamped down on a private health care company in my home State that had been sharing its concerns about the administration's health care proposal with seniors on Medicare.

Yesterday, we saw how legitimate those concerns were when the Director of the nonpartisan, independent Congressional Budget Office said the administration's proposed Medicare cuts would indeed lead to significant cuts in benefits to seniors.

Let me say that again. We had the Director of the Congressional Budget Office just yesterday confirm that what was said by this health insurance company to its customers was true. Yesterday, we saw how legitimate those concerns were when the Director of the nonpartisan, independent Congressional Budget Office said that the administration's proposed Medicare cuts would indeed lead to significant cuts in benefits to seniors. So a part of the administration is putting a gag order on a company for telling the truth to its customers.

First and foremost, this episode should be of serious concern to millions of seniors on Medicare who deserve to know what the government has in mind for their health care. But it should also frighten anyone—anyone—who cherishes their first amendment right to free speech, whether in Louisville, Helena, MT, San Francisco, or anywhere else. It should concern anyone who is already worried about a government takeover of health care. Why? Because it seems that in order to advance its goals, the administration and its allies are now attacking citizens groups and stifling free speech.

Let's review. At the instigation of the chairman of the Finance Committee, the author of the health care legislation now working its way through Congress, the executive branch, through the Centers for Medicare and Medicaid Services, has launched an investigation—believe it or not, an investigation—into Humana for explaining to seniors how this legislation would affect their coverage.

One more time: A private health care provider told its elderly citizens how its health care legislation might affect their lives. Now the Federal Government is putting its full weight into investigating that company at the request of the Senator who wrote the legislation in question. Now we find out the concerns the company was raising to its clients were perfectly legitimate, according to the Director of CBO. So, for telling the truth to your clients, you get investigated by the government. This is so clearly an outrage it is hard to believe anyone thought it would go unnoticed. For explaining to seniors how legislation might affect

them, the Federal Government has now issued a gag order on that company and any other company that communicates with clients on the issue, telling them to shut up—shut up or else. This is precisely the kind of thing Americans are worried about with this administration's health care plan.

They are worried that handing government the reins over their health care will lead to this kind of intimidation. They are worried that government agencies, which were created to enforce violations evenhandedly, will, instead, be used against those who voice a different point of view.

That is apparently what is happening here, and to many Americans it is a preview of what is in store for everyone under the administration's health care plan. It is hard to imagine any justification for this. But if people behind this latest effort believe they have some legal justification for shutting up a private company, then they need to explain themselves to the American people. More specifically, they need to explain to 11 million seniors on Medicare Advantage why they should not be allowed to know how the cuts to this program will affect their coverage.

Yesterday, my office called CMS to ask for the legal authority that would warrant them imposing an industry-wide gag order on an issue of public concern. We are still waiting for a response. So this morning I am asking the Centers for Medicare and Medicaid Services to provide my office with its justification for telling a company it cannot communicate with its seniors.

Over the past several months, we have seen a pattern of intimidation by supporters of the administration's health care proposals, including efforts to demonize serious-minded critics at townhall meetings across the country. Now we are seeing something even worse, the full power of the Federal Government being brought to bear on businesses by the very people writing the legislation. This was troubling enough in itself. It is even more troubling now that we are told that Humana was exactly right—exactly right in what it was telling its clients. Americans are already skeptical about the administration's plan. They should be even more skeptical now.

I yield the floor.

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

HEALTH CARE REFORM

Mr. WARNER. Mr. President, I rise with a group of my freshmen colleagues to discuss an issue that is on all our minds and on the minds of many Americans and that is the issue of health care reform. The subject most of us are going to address today is what happens if we do nothing on this critically important issue because we, as recent additions to this body, are united by a simple but important truth: the rising cost of health care is

hobbling American business, stressing family budgets and, if we do nothing and it is left unchecked, it will explode our national debt.

While many of my colleagues have raised important and valid questions about some of the health care proposals, one of the things I hope all my colleagues will realize is that doing nothing to reform our health care system is a policy choice. It would be a misguided choice, an irresponsible choice, but it is a choice nonetheless.

Today, health care costs in America consume nearly 17 percent of our GDP. This is projected to grow to one-third of our GDP by 2040 if we do nothing. This chart shows this ever-escalating cost of health care and its percentage of our GDP. Here we see the cost in actual dollar amounts, \$2.4 to \$2.5 trillion spent on health care in the past year.

Our per capita health care cost is double that of virtually every other developed nation in the world—nations we compete against every day. As we come out of this recession and American business has to compete against these countries around the world, our economy is hobbled by costs that, on average, include \$3,000 more per employee due to our higher health care costs than our competing nations.

If we look at an issue that is equally important and one that I know our colleagues, especially my freshmen colleagues, continue to raise—but we hear concerns about from our friends on the other side of the aisle—that is the concern about our Federal deficit. The primary cause of our Federal deficit and our overall debt is the increasing per-person costs of Medicare and Medicaid. We pay more and more dollars in the Federal budget each year to basically pay for the same level of care. As this chart shows, increasing Medicare and Medicaid costs alone will exceed all other Federal spending. Clearly, this situation is not sustainable.

In my home State of Virginia, since 2000, insurance premiums have increased nearly 90 percent, while wages have only increased 27 percent. If we do nothing, and this was reaffirmed by the Business Roundtable report just last week, nationwide insurance premiums are projected to double by 2016. This is of particular concern to small businesses. Today, small businesses are the only group that still pay retail for their health care services. Their size makes their bargaining power weak and makes them susceptible to enormous increases in health care premiums.

Once again, it is a policy choice. Doing nothing means exploding our Federal debt and deficit. Doing nothing means doubling health care premium costs for American families. Doing nothing means American companies will be less competitive in a global market and our small businesses will continue to pay retail for health care.

Mr. President, I think I speak for all my freshmen colleagues when I say we were not elected to do nothing. We did

not run for office because we were satisfied with the direction of our Nation. We were elected to work together with willing Republicans and Democrats to help turn this country around. I hope this will be the first of a series of statements from the freshman class, who are not only here to point out the challenges we face but to join Senators from both sides of the aisle who are committed to getting things done.

I would now like to yield 5 minutes to my colleague, the distinguished Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I wish to begin by recognizing and thanking Senator WARNER for his efforts today to organize the freshmen to talk about why it is so critical that we get something done to reform health care in this country. He and I both belong to the former Governors caucus, and I come to this debate with the work, years of work that I did as Governor and the perspective we have to do something to improve the availability of health care for all Americans and certainly for the families in New Hampshire.

Over the past several months, my office has responded to thousands of letters and phone calls about health care. I have traveled all across New Hampshire, talking to small business owners and families who are desperate for help. I have talked to health care providers who are frustrated with the current system. Time and time again, what I have heard is that our health care system is not working. Costs are too high and access is too limited. The status quo is simply not sustainable. Now is the time to act.

Every day in New Hampshire and across our country, families are struggling with the rising costs of health care. It threatens their financial stability and leaves them exposed to higher premiums and deductibles and puts them at risk of losing their health insurance and, in too many cases, financial ruin. According to one study, 62 percent of bankruptcies in 2007 were caused by a medical condition. I have a chart that shows this very clearly. This is the 62 percent of those bankruptcies that were the result of the costs of medical care. What is probably even more concerning is that of those 62 percent, 78 percent of them were insured. So most of the people in this country who are going bankrupt as the result of their health care costs actually have health insurance.

Health care costs are a threat to our economy, to our small businesses, and to our working families. The current health care system is simply unsustainable for our economy. As Senator WARNER pointed out, it is estimated that in 2009 our Nation will spend \$2.5 trillion or 18 percent of our gross domestic product on health care. That means health care costs account for 18 percent of the value of all the

goods and services produced in this country. If we continue on this current path, health care will make up over a third of our economy by 2040.

Senator WARNER showed that in a chart. This is a graph that shows the same thing—what happens to health care costs if we do nothing, as a portion of the entire economy of this country.

In New Hampshire, our small businesses are feeling this burden firsthand. From 2002 to 2006, there was a more than 40-percent increase in the cost of health insurance premiums for New Hampshire businesses. For those of our smallest businesses, those with fewer than 10 employees, that increase was almost double, to more than 70 percent—a 70-percent increase in just 4 years for small businesses in New Hampshire. That means that, although our small business owners want to provide their employees with health insurance, many of them cannot afford it.

Ultimately, it is our hard-working families who suffer. Today, the average family living in New Hampshire pays about \$14,600 for their insurance premium. In New Hampshire, we have the highest premiums in the country for those people who have group rates.

I wish to say that one more time because in New Hampshire we are paying the highest premiums in the country for group health insurance. If we continue on this current path, families will be paying almost \$25,000 in the next 10 years, by 2019. Again, here is another graph that shows what is going to happen to New Hampshire families—\$25,000 in 10 years. This is not affordable.

The good news is that we know how to bring down costs. At the Center for Informed Choice at Dartmouth, research shows that more spending does not translate into better outcomes. In fact, it shows that up to 40 percent of the time, patients who are engaged in the decisions related to their care will choose the less invasive and less costly procedures. These choices produce better outcomes with higher rates of patient satisfaction.

The health care industry can do better for less. We can find savings in our system. For example, experts have estimated that we can save \$5,000 per Medicare beneficiary by reducing costly hospital readmissions. I have introduced legislation with Senator SUSAN COLLINS from Maine called the Medicare Transitional Care Act. This bipartisan legislation will reduce Medicare costs and offer better support and coordination of care to Medicare patients. This will not only improve the quality of health care for our seniors, but it will also save taxpayers money.

I was very pleased to see that many of these provisions were in the markup that came out of the Finance Committee.

Although the numbers and statistics are compelling, it is really the stories I have heard from my constituents

which best illustrate why reform cannot wait. This is not just about politics, this is about real people.

A few weeks ago I received a letter from a young woman named Jennifer. Jennifer and her husband had recently decided they wanted to start a family. They both work for small businesses that do not offer health insurance, so they shopped around for an individual insurance plan. The policy they could afford did not cover standard maternity care, but they were told they would be covered in case of an emergency: if Jennifer needed a C-section or if she had other health problems during the pregnancy.

Unfortunately, Jennifer suffered a rare complication, a molar pregnancy, resulting in a loss of the pregnancy and requiring extensive followup. But the insurance company told them it would not cover "that" emergency. So during their time of grieving, Jennifer and her husband are not only facing piles of medical bills, they are wondering how they will ever be able to afford a baby in the future.

No young family should have to go through this. We have the opportunity to stabilize health care costs and reform our health care system for people such as Jennifer and her husband. We know this is not easy. It is one of the greatest challenges of our time. But the time has long passed for action. We need to act now to stabilize costs and provide coverage for Americans.

I look forward to working with my colleagues on both sides of the aisle to achieve this goal.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank my colleague, the Senator from New Hampshire, on her very excellent comments. We are running a little behind. I do want to come back, if we have time, to talk about the costs to State budgets, something both she and I experienced.

I yield 5 minutes of our time to the distinguished Senator from Delaware.

Mr. KAUFMAN. I thank the Senator.

I join my freshmen colleagues this morning to discuss the Nation's health care system and urge Congress to pass reform legislation this year. I think there are two major reasons we need to enact health reform this year, and they both require controlling health care costs.

First, we need to pass health care reform because failure to do so could literally bankrupt the country. Just look at Medicare and Medicaid. One of the biggest driving forces behind our Federal deficit is the skyrocketing cost of Medicare as well as Medicaid. In 1966 Medicare and Medicaid accounted for only 1 percent; that is, 1 percent of all government expenditures. Today they account for 20 percent. If we do nothing to start bending the cost curve down for Medicare and Medicaid, we will eventually spend more on these two programs than all other Federal programs combined.

Medicare spending is growing rapidly for the same reasons that private

health care spending is growing rapidly: increases in the cost and utilization of medical care. Between 1970 and 2007, Medicare's spending for each enrollee rose by an average of 8.5 percent annually, while private health insurance increased by 9.7 percent per person per year.

The Congressional Budget office estimates that Federal spending on Medicare and Medicaid was approximately 4 percent of the Nation's gross domestic product in 2008. If we fail to act—and we cannot fail to act—Federal spending on Medicare and Medicaid will rise to 7 percent of GDP by 2025. We must bend these cost curves down and slow the level of growth in Medicare and Medicaid programs if we are ever to get our budget situation under control.

The second major reason we have to act is because failure to do so will drive more and more Americans into personal bankruptcy. Today bankruptcy involving medical bills accounts for more than 60 percent of U.S. personal bankruptcies, a rate 1.5 times that of just 6 years ago.

Keep in mind, more than 75 percent of families entering bankruptcy because of health care costs actually have health insurance. I think we have a popular idea that the people going bankrupt are people who cannot manage their money, who do not have health insurance. These are people who have health insurance. Again, two-thirds of all Americans filing for bankruptcy because of medical bills already have insurance. These are middle-class Americans who are well educated and own their own homes. They just cannot keep up with the alarming rise in costs associated with medical care.

We have to act so that Americans no longer have to worry about how they are going to afford their medical bills. We need to pass health care reform and give Americans more stability in these rough economic times so they no longer have to choose between paying their medical bills or paying their home mortgages or their children's tuition payments. Controlling health care costs is a major reason we need to pass health care reform today.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank my colleague from Delaware for pointing out the enormous cost of inaction both to our Federal deficit and to families who are struggling with these costs.

Now I yield 4 minutes of our time to the distinguished Senator from Alaska.

Mr. BEGICH. Mr. President, I am pleased to stand with my freshman colleague this morning. We often share the back bench, but today we bring our message front and center. The time has come for action on health insurance reform. We represent the North and South. For me, everyone comes from the South. But today we see that no matter where you live in this country or what you do for a living the cost of inaction is simply unacceptable. All of us can cite alarming statistics from our States.

In my State, there are now 133,000 uninsured Alaskans. The raw numbers may not be much when compared to Virginia, Illinois, or Colorado, but in Alaska that number represents 20 percent of the population.

To me, and I hope to my colleagues on both sides of the aisle, this is unacceptable. Average insurance premiums in Alaska have doubled in the past decade to more than \$12,000 annually. If we do not act, they will double again about the time my 7-year-old son starts high school. Families cannot afford that.

Already, the average Alaskan family pays a hidden tax of \$1,900 in premiums to cover the cost of uncompensated care provided to people without insurance, and it will only get worse as time moves forward. The problem is especially tough for small businesses in my State because Alaska has a high proportion of small business owners: fishermen, float plane operators, construction contractors, independent realtors, and the like.

Some 52 percent of all the jobs in Alaska are held by small business workers or the self-employed. They know better than anyone that a broken health care system leads to lost jobs, reduced productivity, less investment, and stalled business growth. Just this weekend I met with a small business townhall and there was one clear message from them to me, to Congress: Do something. Do it now. Each one cited their increases ranging from 14 to 41 percent in health care costs this year alone. That is why one of the best ways we in the Senate can strengthen and grow Alaska's and American business is to pass meaningful health care reform not sometime down the road but this year.

I joined the small business majority earlier this year as they released the compelling report on the need for reform. The bottom line, even with middle-of-the-road reform: American small business will spend \$800 billion more than they need to over the next 10 years.

If they can save that, with just the middle-of-the-road reform, we can save them money and put it to the best use. Considering that small business is driving economic recovery in America, that is huge. Eight hundred billion dollars saved is available for infrastructure, innovation, and providing stable jobs.

It is not just small business that needs reform. The Business Roundtable, which has been spoken about already this morning, which represents much bigger companies, released a report last week that said health care costs will triple over the next decade to nearly \$29,000 per employee.

There is plenty to debate about health care reform in the weeks ahead. I still have questions of my own. But there is one thing I hear from all across my State and across this country, from e-mails and messages we receive: support for health care reform is truly support for America's businesses.

I yield the floor.

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

Mr. WARNER. I thank my friend from Alaska for pointing out, particularly, with small businesses, that in our current system they are the only people who pay retail for their health care expenses. Reform must rectify that.

I yield 4 minutes to the Senator from Oregon.

Mr. MERKLEY. Mr. President, during 11 townhalls in Oregon this August I heard a lot of heartfelt anger and confusion from Oregonians about health care in our Nation. I am sure it echoed the confusion and frustration from voices across our Nation.

A lot of Oregonians came out to tell me that they did not like one bit the description of the reform plan they were hearing on radio and on television. If reform means they would have to give up their insurance or give up their doctor, they did not want any of it.

If reform meant that government panels would deny care to seniors, then they wanted me to know that was outrageous, that they would never support it. And I agree with them. If reform had those features, it sure would not get my vote. I do not think it would get a single vote in this Chamber.

But as most of America now knows, those claims were lies told to scare the bejeebers out of citizens by folks who profit from our current health care system. It says a lot, does it not, that those who want to block repairs to our broken health care system have to resort to creating myths in order to whip up opposition.

The opponents of reform have their own plan, which is continue to profit from the current system, our current broken system. Their plan, simply put, is a terrible plan for America. The opponents' status quo plan features shutting out folks with potential health care risks, those who most need health care, from our health care system. Their plan features denying coverage for citizens with preexisting conditions. Their plan involves dumping citizens out of coverage who, after years of paying their premiums, develop a health care problem and then they lose their health care.

The opponents' status quo plan is to continue a broken system in which premiums double every 7 years, putting health care out of reach to America's working families and robbing workers of their pay raises that could improve their standard of living.

The opponents' plan is to continue health care rationing by insurance company bureaucrats who make money denying the claims. The opponents' plan is to continue lifetime limits that pile massive debt on those unfortunate enough to get sick or injured.

The opponent's plan is to continue a system in which health care costs drive more than half the bankruptcies in

America, tearing the financial foundations out of our working families, setting them back decades, if, in fact, they ever recover at all.

What I did hear from citizens back home is they do not like that status quo plan. They want to see those problems fixed. They want an individual to be able to join a pool and get a much better deal. They as a small business want to know that they will be able to control health care costs and keep providing health insurance, and maybe even get a better deal, and not have to pay the transfer costs of all of the folks who do not have health care and end up in the emergency room.

So for small businesses to thrive in our Nation, for American families to thrive, for large businesses to compete internationally, we must fix our broken health care system. The status quo plan put forward by opponents is simply wrong for America, wrong for families and wrong for business.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank my friend from Oregon for pointing out, in vivid terms, the challenges the status quo presents to so many American families. I yield 4 minutes to my friend, the distinguished Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am here with my fellow freshmen Senators because we are united in our determination to pass health insurance reform this year. Our late and giant colleague Senator Ted Kennedy said it best when he called health reform "the great unfinished business of society."

We are presented this fall with a historic opportunity to finally succeed, and, for me, failure is not an option. The cost of inaction is too great, both for American families and for our economy. We have a bloated \$12 trillion Federal debt which is being fed every day by growing health care costs. Every day, small and large businesses are laying off workers and slashing benefits to their employees. Those Americans who have coverage still do not have the peace of mind that comes from knowing insurance companies will keep their promises. Premiums are rising at three times the rate of wages. The number of uninsured is growing at a faster rate every day. In my State of Colorado, nearly one in four is uninsured in some areas. The Treasury Department recently released a study showing that one out of every two Americans will lose coverage at some point over the next 10 years. We can't allow this to become America's future, but it will if we don't act now.

There are many reasons health care reform cannot wait, but there is one that I know strikes a chord with many Coloradans; that is, the lack of freedom our current system provides. Workers across our country are afraid to leave their jobs for fear they won't be able to provide health care to their families.

That lack of freedom affects our economy because fostering the growth

of small business is one of the keys to economic success. In our current system, Americans are afraid to follow their dreams and start a small business or travel to go to work for a new company. Small businesses run on thinner margins than their big-company counterparts, and they are being hit hardest by the rise in health care costs. In Colorado, we have a disproportionate share of small businesses. As a result, we have more citizens who are uninsured. Those who do offer benefits are finding themselves increasingly facing no-win decisions. They are faced with either hiring fewer employees or slashing benefits or dropping coverage completely or, in some cases, going out of business forever.

The proposals in front of us are tailor-made to help small businesses. The ideas in place would provide tax credits and create a simplified, well-regulated, pooled marketplace to help small businesses find cheaper and higher quality coverage. It is estimated that reform will save small businesses more than \$500 billion over 10 years or more than \$3,500 per worker. That is real money that can be reinvested in business growth and adding additional jobs to fuel our economic recovery.

The burden on individuals is only one of the culprits preventing economic growth. Our deepening Federal deficit and long-term fiscal outlook are also closely linked to a broken system. As President Obama said in his address to Congress 2 weeks ago: Our Nation's health care problem is our deficit problem. Just think, we spend \$2 trillion on health care per year. That is more than \$1 out of every \$5 spent in the economy, more than twice what any other industrialized nation spends. I think we would all agree we are not twice as healthy for our money. If this number continues to grow, there is no hope for reining in long-term deficits.

Health insurance reform is a golden opportunity to begin to control our deficit. We can and we need to grab this opportunity and make health care the springboard from which we clean up our long-term fiscal mess. The President reminded us that the growth of health care costs, if slowed by one-tenth of 1 percent a year, would help bring down the deficit by \$4 trillion.

There are many excellent ideas on the table to help us get there—by ensuring Medicare's solvency, reforming Medicare's payment structure to bring down cost growth in the long-term, and discouraging overgenerous health plans which encourage overutilization of the system.

As Senator WARNER and others have pointed out, many of the proposals being discussed are politically difficult to support. But not facing politically difficult decisions head-on is what has caused so much of the inertia that has brought us to where we are today. We don't all agree on exactly the best way forward, but we do agree it is time for every Member of Congress and every Member of the Senate to think about

health insurance reform for what it is: a huge and necessary step to putting our economy back on track and finally providing stability, security, and freedom to the people. If we do this, I know we can find common ground. We must because the cost of inaction is too great.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague from Colorado.

We are hearing a common theme. These freshman Members all care about driving down cost, and they see health care reform as stimulative to the American economy and recognize that ensuring the growth of our economy means we have to get the deficit under control. That means driving health care costs down.

I yield 4 minutes to my colleague from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I am proud to join our class today to talk about the cost of inaction.

Mr. UDALL of New Mexico. Mr. President, health insurance reform is one of the defining challenges of our time. Every person in our country has a stake in what we do at this moment, in this place. And while there are a lot of proposals out there, there is one thing we know for sure: Maintaining the status quo is not an option.

It is what has been done for years. It has been the easy choice. Kick the can down the road a couple yards . . . a couple of years . . . but never get at the root of the problem. Maintaining the status quo is the one coward's way out. And one doesn't need an economics degree to see where that approach has gotten us.

Part of meeting the challenge of reforming health insurance is being honest about the consequences we face if we don't. So I rise today to talk about the high price of doing nothing.

It is a price we will all pay—a human price, an economic price, a societal price. All equally devastating if we don't muster the courage, if we don't have the political will to stand up and say: Not anymore. Not on our watch.

The human price is the price we feel most personally when we see our family, our friends, our neighbors struggling to obtain health care, to afford health care, or to hold on to the health care they already have.

If we do nothing—if we maintain the status quo—more Americans will be uninsured or underinsured. More Americans will become sick. More will die because of lack of care, and more families will experience financial ruin.

A new report that came out last week found that family premiums have already increased by about 5 percent this year. Over the past 10 years, premiums have gone up 131 percent. It is a vicious cycle. America's families, America's workers and businesses—especially small businesses—can't keep up.

In New Mexico, we have been paying the human price of the status quo for

years. In my State, nearly one in four residents lacks health insurance. That makes us the second-highest uninsured State in the Nation. And three-quarters of uninsured New Mexicans work or are from working families. Added to that, 80 more New Mexicans lose their health care coverage every day.

People like a woman I met in Raton, NM, last month. She and her husband just got a renewal notice from their health care insurer. Their premium rose 24 percent this year alone. It is an increase they can't afford, and they don't know what to do. They are paying the human price for the status quo.

Along with the human price, there is the economic price.

By now it is a familiar refrain. The health care system as we know it is unsustainable. It is unsustainable for taxpayers, who are picking up the costs for those who can't afford or can't obtain insurance on their own. It is unsustainable for businesses which aren't able to afford skyrocketing costs to cover their employees. And it is unsustainable for our government. As President Obama said recently:

Our health care problem is our deficit problem. Nothing else even comes close.

Without health care reform, if we do nothing but maintain the status quo, the problems that seem insurmountable today will look like child's play compared with the catastrophic news of tomorrow.

If we fail to act, the number of uninsured Americans will increase from more than 46 million last year to more than 53 million in 2019. And that is a best case scenario. The actual number could be as high as almost 58 million. For New Mexico, failure to act would mean that insured New Mexicans continue paying \$2,300 in hidden subsidies for the uninsured.

If we fail to act, U.S. spending on health care will climb from almost \$2.4 trillion last year to almost \$4.3 trillion in 2017. And insurance companies will continue to profit at the expense of America's health and America's pocketbooks.

If we fail to act, businesses will continue to flounder under the crushing costs of health care coverage. Fewer businesses will open their doors. More will call it quits for good. And, most chillingly, the entrepreneurial spirit that is so uniquely American could be badly damaged.

If we fail to act, government at all levels will suffer. Budgets will continue to shrink. Priorities like education, energy innovation and job creation will continue to be underfunded. Americans will continue to pay the economic price.

Finally, along with the human and economic costs, there is one more price to consider if we don't step up to our responsibilities and deliver on health care. That price is more figurative, but no less painful.

I am talking about the price we pay as a country for not living up to the ideals on which America was founded.

America is heralded as the land of opportunity. But realizing that opportunity should not be dependent on whether you have enough money in your bank account to afford health care.

America is a place where "all men are created equal." But how can that be true if access to something as fundamental as health care is divided between the haves and have nots?

Harry Truman—who was the first President to attempt to provide every American with health care—put it simply:

We are a rich nation and can afford many things. But ill-health which can be prevented or cured is one thing we cannot afford.

More than 60 years later, his words ring true:

We cannot afford ill-health which can be prevented or cured.

We cannot afford to maintain the status quo.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know our time allotment is drawing to a close and we still have more Senators who wish to speak.

I yield 3 minutes to my distinguished colleague, the Senator from Illinois.

Mr. BURRIS. Mr. President, I am honored to be able to join my freshman colleagues as we speak on this important issue of health care reform. On September 9, the President stood before the Congress and issued a resounding call for health care reform. It is time for us to answer. We need to recognize, as our President does, that this is our moment to stand for freedom and opportunity.

Health care reform is nothing less than a moral imperative. For years, costs have been rising and the quality of care has been going down. For the giant corporations that provide health insurance, rising costs have meant rising profits. They rake in millions of dollars by denying coverage to sick Americans. But for those of us who are not health care insurance executives, rising costs have become a terrible burden.

In the early 1990s, when President Clinton and the Democratic Congress tried to pass health care reform, insurance companies brought costs under control. From 1993 to 1995, health care costs grew by an average of only \$38 billion. Insurance corporations must have been afraid that reform would hurt profits, so they self-regulated, keeping costs under control until the threat of reform had passed. But when the Republicans took back the Congress, health care reform was dropped and costs skyrocketed, however. Between 1995 and 2006, costs increased by almost \$102 billion annually. These numbers are clear. We are spiraling out of control, and inaction is not an option. We cannot stand by as millions of Americans all across the country are forced into bankruptcy by medical bills.

Some say we are moving too quickly, that we need to wait. I ask, wait for

what, for more people to get sick and die because they don't have access to health care? The American people have been waiting far too long. We must not wait any longer. It is time to make sure everyone has access to quality care and affordable health care. It is time to make sure no one can be dropped because of preexisting conditions and to provide a public option to compete with the private insurers. It is our duty to stand up for what we know is right.

Mr. President, 45 years ago another Illinois Senator saw this same need as Congress debated the Civil Rights Act. The bill was under fire. There were some who could not accept reform. But Senator Everett Dirksen knew equality was woven into the moral fabric of this Nation, and he knew America had waited long enough for change to happen. Standing on the floor of this Chamber, he echoed Victor Hugo, who said: Stronger than all the enemies is the idea whose time has come. The time has come. Let's vote in health care reform.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator from Illinois. I also thank my distinguished colleague from Tennessee for granting our group 4 additional minutes.

Mr. ALEXANDER. I ask unanimous consent that each side be granted 4 additional minutes in morning business.

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

Mr. WARNER. I now yield 4 minutes to the Senator from North Carolina, my friend.

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

Mrs. HAGAN. Mr. President, I rise with my colleagues to discuss the urgent need for comprehensive health care reform and why I believe the cost of inaction is simply too high for North Carolina and America's working families.

As I traveled across the State during the August recess, it was clear that North Carolinians are concerned about the rising cost of health care. In the past 10 years in my State, the cost of health care premiums has increased 98 percent, whereas wages have increased only 18 percent. That is a startling statistic. Just last week, the chamber of commerce from Dunn, NC, came to visit me in Washington. One man has a company that employs 600 employees. The cost of health care last year for his company increased 28 percent—in 1 year. That is simply unsustainable for America's businesses.

The Treasury Department issued a stern warning just last week: If we do nothing to tackle the skyrocketing cost of health care, nearly half of all Americans under the age of 65 will lose their health insurance in 10 years. Those are frightening numbers.

Right now, the average family's health insurance premium is \$13,375. If

Congress does not send our President a reform bill, premiums are expected to rise to a staggering \$25,000 in 2016. Today, this average premium represents a little over a quarter of a family's income. But, by 2016, that average premium will represent almost half of a family's income. How are people going to be able to afford to pay for mortgages and save for college tuition if they are paying half their monthly income for insurance premiums?

This past year, North Carolina's unemployment rate rose to 11 percent. Many of the thousands of North Carolinians who have lost their jobs in this recession have also lost their health care, and many more families are facing this frightening reality: One medical emergency could send them into bankruptcy.

In 2005, nearly half of all Americans who filed for bankruptcy cited major medical expenses as the reason for their financial decline. Between 2001 and 2008, the number of uninsured in North Carolina increased from 1.1 million to 1.4 million people. Without action, this number is going to continue to grow.

The Senate Health, Education, Labor, and Pensions Committee crafted a bill that ensures that people who like their insurance and their doctors keep them. It also expands access to health insurance for those without it, and slows down the skyrocketing cost of health care—the three critical components President Obama called for in his speech to Congress 2 weeks ago.

The President has been adamant that health care reform must not add one dime to our Federal deficit now or in the future, which has been a requirement of mine all along. The exploding cost of health care has put our Nation's economic security at risk. We simply cannot afford inaction any longer.

In 1960, health care spending was 4.7 percent of GDP. Today, it is 18 percent. On the current trajectory, by 2030, health care costs will account for 28 percent of GDP.

We need health care reform to get our deficit under control. We need a reform package that ensures a preexisting condition, such as diabetes or cancer, no longer prevents anyone from obtaining health insurance. We need health care reform to ensure America's families do not have to fear bankruptcy when a loved one gets sick.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague from North Carolina and all these freshmen Senators who have talked today about the very real costs of inaction.

I would like to now call on our final colleague, my friend, the junior Senator from Colorado.

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

Mr. BENNET. Mr. President, I thank the Senator from Virginia and the rest of my colleagues.

I have a few slides I wish to go through. But the basic point is, no matter what one thinks about the various health care bills that are out there and the various prescriptions that have been suggested, the status quo is not an option.

For me, this starts with fiscal responsibility. We have seen an unbelievable explosion in debt in our country, from \$5 trillion, from the beginning of the previous administration, to \$12 trillion today. If you look at what is causing it: As you can see from this slide, this is our revenue line. The biggest drivers of our deficit are the interest payments we have on this debt—that we are managing to pass on to our kids and our grandkids because we are unwilling to make the tough choices that need to be made—and rising Medicare and Medicaid costs, which is the red line right here. So one cost of inaction is we will continue to drive these insane deficits we are facing as a country.

In my State of Colorado—and the senior Senator from Colorado is in the Chamber as well—our working families and small businesses are suffering mightily because the economy is not working for them. Over the last decade, median family income in the State of Colorado has actually declined by \$800 in real dollars, and that has happened all across the United States of America, where we see median family income down by \$300.

At the same time, health care premiums have risen by 97 percent. The cost of higher education, by the way, has gone up 50 percent. Our working families are being asked to do more with less just for the basic necessities that are required to move your family ahead. These are not “nice to haves.” These are essential, if working families and the middle class are going to be able to move ahead.

The second reason we need reform is, as the Senator from Virginia said at the beginning of his comments, we are spending almost a fifth of our GDP on health care. That is more than twice as much as what any other industrialized country in the world is spending on their health care system.

As I have said in townhall meetings all across our State, this is no different than if you have two small businesses across the street from one another, with one spending a fifth of their revenue on their light bill and the other spending less than half that on their light bill. You do not need an MBA to know which of those two companies is going to be able to invest in their business plan and grow their business.

We have a lot to do to make sure this economy can compete in the 21st century. I would say one of the things we ought to do is not to devote a fifth of our economy to health care if we expect to compete.

This slide shows the rate of insurance premium increase in our State versus the rate of the increase in wages. These are absolutely related to each other. If

you talk to small businesses in any State—I am sure this is true in Virginia, as well as it is true in Colorado—small business owners are desperately trying to keep their employees insured, but the choice they are making is to pay them less in wages. This wage compression is related directly to the rate of the insurance premium.

The other chart of this slide simply shows if we change nothing there are going to be families all across this country who, by 2016, are going to be spending 40 percent of their income on health care—that is before you get to higher ed; that is before you get to rent or food—40 percent of every dollar on health care. It is absurd.

We see that health care is bankrupting middle-class Americans all over this country. We know 62 percent of bankruptcies are health care related. What is staggering to me is, 78 percent of those bankruptcies are happening to people who had insurance. The entire reason people buy insurance is so they have stability when their child gets sick or their spouse gets sick or they get sick. Seventy-eight percent of these bankruptcies have happened to people who had insurance.

Then, finally, no one is burdened more by the current system than small business and the employees who work for small businesses. In our State, small business pays 18 percent more for health insurance just because they are small. When I say that, sometimes people say: Well, Michael, don't you understand that is because the pool is smaller and it is harder to spread the risk. I say: I understand that. But from a business point of view—and the Senator from Virginia and I both have spent a lot of time in our careers working in the private sector—from a business point of view, that is absurd because these small businesses, if they are investing 18 percent more, ought to be expecting to be 18 percent more productive or, at a minimum, ought to have 18 percent better health care, and that is absolutely not the case.

Mr. President, I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BENNET. My final point, Mr. President, is we have been having a healthy debate about how we should do this reform, and there are a lot of people who are concerned about things such as a public option, things such as government control over health care. I would argue that the status quo is what is producing that because fewer and fewer of our working families are covered at work—which is what this slide shows—and for every one of those people who then goes on uncompensated care, it is paid for by the American people.

So I join my colleagues today in saying, we absolutely cannot maintain this status quo. It is absolutely unsustainable. I look forward to a thoughtful, commonsense reform that

works for working families and small businesses in my State.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleagues on the other side of the aisle for the additional time.

I appreciate the opportunity we have had to make our statements.

The ACTING PRESIDENT pro tempore. The time is expired.

Mr. ALEXANDER. Mr. President, how much time is available for the Republican side?

The PRESIDING OFFICER (Mr. BENNET). Forty-nine minutes.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Thank you very much, Mr. President.

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I commend my friends on the Democratic side for their interest in health care reform and their coming here to express their views. I can say to them very clearly there is 100 percent agreement on the Republican side that we do not want the status quo, and there is 100 percent agreement on the Republican side that there would be one thing worse than the status quo and that would be higher premium costs, more debt for the government, and higher taxes.

I am afraid that is what my friends are arguing for because they are continuing to say they want to insure at least 30 million more people, they want to improve the benefits for people already on insurance, and they want to reduce costs. That does not add up. So I think it is time we get down to some reality in this discussion about: How can we best achieve health care reform in this country?

We, on the Republican side, want health care reform, but we do not want more debt, more taxes, and higher premium costs for people who cannot afford their insurance policies now. Yet the proposals we have seen on that side of the aisle do that.

Our focus should be about one thing: Health care reform should be about one thing: reducing costs, reducing costs to individuals and small businesses who are paying for health care, and reducing the cost to our government, which is the responsibility of every single one of us taxpayers in this country.

We have had several proposals from the Democratic side that increase the debt and increase the cost, and the President himself, in effect, rejected them in his address to Congress the other day because he said there cannot be one dime of deficit, not one dime. So the bill that came out of the HELP Committee in the Senate—it is out of here. The bill that is coming out of the House of Representatives that has been through several committees—it cannot be considered under the President's own standard that it cannot increase the deficit one dime.

I am glad he is saying that. I am glad he is saying that because he is already proposing we increase our national debt by \$9 trillion over the next 10 years—doubling our national debt, tripling it over 10 years, spending more over the next 10 years, three times as much as we spent in World War II—amounts that have most people in this country alarmed about the debt of this government. So this should be a straightforward discussion about costs, reducing the cost of health care to you, if you are buying health care, and reducing the cost of health care to your government, which you are responsible for.

So the President has done us a favor. He said do not worry about the Senate bill that came out of the HELP Committee because—in effect, he said this—it adds to the deficit, so it has to go. For the bills coming out of the House of Representatives, the Congressional Budget Office has told us it adds to the deficit in the first 10 years, and it adds to the deficit even more in the next 10 years, so it has to go.

So now we have a new bill, and it is already a 250-page—I misspoke. It is not a bill yet. It is 250 pages of concepts. It is important for the American people to understand this. I think one of the things we have all heard, as much as anything, when we have gone home is: Did you read the bill? That is a pretty good question. It is a pretty big job because we have gotten in the habit around here of coming up with 1,000-page bills that Senators and Congressmen do not read. So the American people are saying to us: At least read the bill. They are saying to us, second: At least know what it costs. So that is a bare minimum of what we should insist on as we are going forward.

The bill introduced by the distinguished Senator who is the chairman of the Finance Committee is 250 pages of concepts. So everyone understands where we are in the process, the Finance Committee is meeting. They will be meeting all week. My guess is they will be meeting next week. They are trying to agree on what those concepts will finally be. The chairman has recommended what he thinks they ought to be, and now the committee is going to say what they think they should be.

Then, as I understand it, the Democratic leader is going to try to fit this bill that came out of the HELP Committee—that the President, in effect, has rejected because he says no deficit—well, it has a deficit—and he is going to try to put that bill that raises costs with the Baucus bill and turn it into one bill. The bill that came out of the HELP Committee is already nearly 1,000 pages. I do not know yet what will be coming out of the Finance Committee.

So in a week or two, we are going to be having another big bill we will have to read. Then the Congressional Budget Office, which is our official non-partisan outfit that tells us what things cost—appointed by the majority

but still nonpartisan—told Senator BAUCUS yesterday it would take about 2 weeks for them to tell us how much it will cost.

So the way I am adding up the weeks, I am saying a week or two for the Finance Committee to come up with a bill—maybe a week to write the bill—and the Congressional Budget Office says after the bill is written, it takes 2 weeks to know the formal cost. Then we ought to have several weeks to debate the bill. That is what we did with the Energy bill for 4 or 5 weeks and, of course, we should do just that. So we need the time to do it, and we need to be able to say to people when we go home: I read the bill and I know exactly what it costs and here is what I think about it.

What about the Baucus concepts—not the Baucus bill; they don't have the bill yet—but the concepts. The Congressional Budget Office released an analysis of the impact of the Baucus budget plan on insurance. It shows that the premiums for those in the individual market under the Baucus bill don't go down, they go up. This is supposed to be about reducing the cost of premiums that Americans have for their health care, and under the Baucus bill so far, on its first day of consideration by the full Finance Committee, the premiums go up and taxes on insurers, drugs, and devices would be passed on to consumers in the form of higher premiums. This is not fearmongers saying that; this is not Republicans saying that; it is not the doctors saying that; it is the Congressional Budget Office appointed by the majority, the Democratic majority. Premiums go up under the Baucus bill. That means Americans will pay more, not less, for their health insurance under the bill as it is today.

Here is what the Congressional Budget Office said:

Under current law, premiums on employment-based plans would not include the effect of the annual fees imposed under the proposal on manufacturers and importers of brand-name drugs and medical devices, on health insurance providers, and on clinical laboratories.

These are new taxes.

Premiums for exchange plans—

These would be plans in the exchange that you might choose if you were an individual—

Premiums for exchange plans would include the effect of those fees, which would increase premiums by roughly 1 percent.

That is the Congressional Budget Office about the Baucus concepts.

CBO, the Congressional Budget Office, went on to say:

At the same time, premiums in the new insurance exchanges—

These are the marketplaces where under this plan you would go to buy your insurance—

would tend to be higher than the average premiums in the current-law individual market.

So the premiums under the new bill and the new exchange would be higher than you are paying today. CBO says:

Again, with other factors held equal, because the new policies would have to cover preexisting medical conditions and could not deny coverage to people with high expected costs for health care.

CBO goes on to say:

People with low expected costs for health care, however, would generally pay higher premiums.

So if you make a promise to improve the benefits, somebody else is going to pay for them. That is mathematics. That is the way the world works. Fortunately, we have the Congressional Budget Office to say under this plan premiums would go up. It continues:

For families, premiums plus cost-sharing payments would range from about \$2,900 for those with incomes of \$30,000, to nearly \$20,000 annually for premiums for those with incomes above \$96,000.

So costs go up to individuals under the Baucus concepts. Additionally, we should consider the cost to our government. Most Americans are very much aware—I think that is why they have been turning out in record numbers in town meetings—that the government is not some remote, abstract thing; we own it, and we own the debt too. According to the Budget Committee staff, the real 10-year cost of the Baucus concept when fully implemented will be \$1.67 trillion because the main spending provisions won't go into effect until 2013.

In other words, when we talk about 10-year costs around here, the next 10 years aren't an accurate picture because the bill isn't fully implemented until you get on down the road 3 or 4 years to 2013. So if you take a full 10 years—a full implementation of the bill—the Budget Committee says it is about \$1.67 trillion in new costs. However, there are new taxes and fees to pay for that: \$838 billion over 10 full years of implementation, and those new taxes and fees go into effect immediately.

The long-term deficit reductions predicted in the bill depend on Congress—that is us—approving cuts year after year to Medicare providers. Medicare providers are doctors, hospitals, hospices, and home health agencies. In other words, to make this bill balance the budget and not add to the deficit, we are going to have to have cuts year after year to Medicare, cuts to doctors, cuts to hospitals, cuts to hospices, and cuts to home health agencies.

I thought I heard the President say in his speech the other night there will be no cuts to Medicare. He did say that. It turns out not to be true in the Baucus proposal. It could be true if Congress were willing to support cuts year after year to Medicare, hospitals, doctors, home health agencies, and hospices, but we have never done that. In fact, a few years ago we Republicans tried to restrict the growth of Medicare by \$10 billion a year—I think it was from 43 percent to 41 percent over 5 years—and we had to bring the Vice President back from overseas to cast the deciding vote because everybody on

the Democratic side wouldn't even vote for \$10 billion in reduced savings to Medicare. Yet what we are proposing here assumes that suddenly we have all changed and we are going to allow cuts year after year to people who provide services to Medicare.

CBO found that its projections “assume that the proposals are enacted and remain unchanged throughout the next two decades, which is often not the case,” it wisely said.

CBO goes on: “For example, the sustainable growth rate”—we call that the “doc fix” around here when we come in once a year and automatically—doctors' payments under Medicare, which is already only 80 percent—doctors earn only about 80 percent under Medicare compared to what they earn when they see private patients—so we automatically cut their pay by 20 percent and we always come in and raise it back up to about what it was the year before.

So CBO is telling us that the sustainable growth rate—the “doc fix” governing Medicare to physicians—has frequently been modified.” That is an understatement. It has been modified almost every year “to avoid reductions in those payments” and that “the long-term budgetary impact could be quite different if those provisions were ultimately changed or not fully implemented.”

So unless we have massive cuts in Medicare, we are not going to be able to balance the budget with this bill.

We don't know how much this bill will cost State governments. The distinguished Senator from Nebraska is on the floor. He was a Governor. I was a Governor. We have all struggled with Medicaid. I think our view is that dumping another 15 million low-income Americans into Medicaid is not health care reform. Doctors and providers are only reimbursed about 61 or 62 percent of their costs for providing services to Medicaid patients, so 40 percent of doctors won't see Medicaid patients. Dumping a low-income American into the Medicaid program is like giving them a bus ticket to a bus line that only runs 60 percent of the time. It is not health care reform. Even so, this will cost State governments, and all the Governors—Democrats and Republicans—are opposed to the concept in this bill that transfers some of the cost of increased Medicaid to the States. Their view is—and I think they are right on this—if the Federal Government wants to expand Medicaid, the Federal Government should pay for it. I haven't been able to even get an estimate of how much this will cost Tennessee. We are trying to figure that out. Senator CORNYN said his estimate is about \$2 billion a year for Texas.

Additionally, the proposal cuts nearly \$500 billion from Medicare to fund this new government program even though Medicare will start going bankrupt in 2017. Yesterday I heard the president of the Mayo Clinic on National Public Radio say that any public

option that looked like Medicare would bankrupt the country overnight, since trustees have said that Medicare is likely to go broke in 2015 to 2017.

I am afraid we need to start over. I admire Senator BAUCUS's effort, but we don't do comprehensive very well here. A 1,000-page bill is not likely to solve the problem. It is time to bring an end to the era of these 1,000-page bills that are so complicated no one can understand them or have time to read them. Instead, I believe we should move step by step to lower health care costs and re-earn the trust of the American people.

I see the Senator from Nebraska and I will soon defer to him, or to the Senator from South Dakota, whichever one is next. But in conclusion, these are the things we can start doing today to move step by step in the right direction to lower costs: allow small businesses to pool to reduce health care costs; reform medical malpractice laws; allow individual Americans the ability to purchase health insurance across State lines; ensure that Americans who currently qualify for existing programs such as Medicaid and SCHIP who are not enrolled to be signed up; create health insurance exchanges so you can find coverage; and incentivize health reform technology. We can agree on those things. We can take those steps and we can reduce the costs of health care to each American family and to our government.

I thank the President and I yield the floor.

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

Mr. THUNE. Mr. President, I wish to thank the Senator from Tennessee for very effectively making the arguments that many Americans want to hear voiced in this debate about health care and a whole range of other issues. The Senator from Tennessee has pointed out as a former Governor—and we have another former Governor, the Senator from Nebraska, here today as well—the impact that many of these proposals would have on State budgets. The former Governor of Tennessee has described it as “the mother of all unfunded mandates.” I think that is a view that is shared by many other Governors across this country, about the impact some of these expansions would have, not just on Federal budgets but on State budgets.

I have had numerous discussions with the Governor of South Dakota about this and he last suggested that the minimum amount, the conservative amount of additional funding that would be required each year to meet some of these expansions of Medicaid that are called for in these various health care reform bills would be about \$45 million a year. Around here that doesn't sound like a lot of money, but in the State of South Dakota that is real money. That is a real impact and it would require higher taxes or significant cuts in their budget in my State of South Dakota. So that is one aspect of this argument.

I might say that like some of my colleagues who over the month of August were out in their individual States listening to their constituents, I was doing the same thing. I conducted a series of townhall meetings in my State and I heard from people all across my State in every geographic region. Of course, as is typical in the Midwest, people were very respectful and it was a very civil discussion. But one could not miss the intensity people felt on not only the health care issue, because that happened to be the main subject of debate, but a range of other issues. I think it comes down to two fundamental issues. I think at least in my State of South Dakota this seems to be the case—as it was in some of the other meetings around the country in other States—that people were concerned about two issues. One was the issue of control and the other was the issue of cost.

With the issue of control, it is a question of who has the power when it comes to the debate about health care and when it comes to the debate about higher energy costs. Is all this sort of consolidation and expansion of the Federal Government here in Washington, DC going to mean people in this country have less control when it comes to their own health care? Is the government going to be stepping in and intervening more and making a lot of these decisions and dictating out of some bureaucracy in Washington, DC what happens in the world of health care, which for most people is very personal to them? That is why I think there was such a visceral reaction across the country to some of these proposals.

I think the other issue is cost. People have a sense that things are sort of spinning out of control. I think there are a couple of sort of basic principles that are fairly pervasive in the mindset of most people where I come from in the upper Midwest and that is, No. 1, you can't spend money you don't have; and No. 2, when you borrow money, you do have to pay it back. They see this incredible borrowing spree and this incredible spending spree here in Washington, DC and they are wondering, How is this all going to end? What does it mean not only for me and for my family but for future generations? Are we borrowing at levels that are not sustainable into the future? I think that has really gripped people across this country as they have looked at not only the health care debate but also the question of all of these government takeovers of financial services and insurance companies and auto manufacturers, and the list sort of goes on and on.

The most recent example of that would be student loans where, again, we see the Federal Government trying to pull the reins in and move all of the guaranteed loan programs that currently operate in this country through the financial services industry and commercial banks into the Federal

Government. The Federal Government would be the entity that makes all of these loans directly. Well, that ends up adding several hundred billion dollars to the Federal debt which we are already talking about raising here in the middle of next month. In the middle of October the debt limit is going to have to be raised. So we have all of that student loan exposure now, liability coming on to folks from the Federal Government. We have TARP which is said to expire at the end of this year, on December 31, unless Secretary Geithner certifies to Congress that he is going to extend it.

I wrote a letter—and last week 39 of my colleagues signed it—asking the Secretary of the Treasury when TARP expires on December 31 not to extend it because, there again, there are unobligated balances in TARP funding that could be used that would reduce the overall amount of the debt, the overall amount of the deficit.

And the truth be known, I don't think any American wants to see the TARP funds becoming a slush fund to fund other types of endeavors the Federal Government might undertake. They want to see this program that was temporary and was designed to prevent imminent financial collapse and provide stability to the financial services industry expire. Now that that purpose has been served, we should not continue to have hundreds of billions of dollars of taxpayer dollars out there that could be recycled or put into some other industry the government decides to select.

I hope the Secretary will heed the suggestion made by myself and 39 colleagues in our letter and let the TARP program expire. I say that because this paints a broader picture, a narrative, that I believe is of great concern to the American people, which is the reason we saw so much intensity at many townhall meetings over the break.

The health care debate is occurring right now in real time. We have had four of the five committees record bills that have jurisdiction over health care in the Congress—three in the House and one in the Senate. The Senate Finance Committee is marking up their bill this week. We expect that will be completed and that this could be put on the floor sometime in the next few weeks. That seems to be a very fast schedule considering the consequence of what we are doing. We are talking about one-sixth of the American economy, about reorganizing one-sixth of the American economy. Mr. President, \$2.5 trillion annually is spent on health care in this country. I think we better make sure we do it right. All we have seen so far in the Finance Committee is a 220-page summary, which we assume, when translated into legislative language, is going to be more than 1,000 pages. That is something many of us will want to have time to digest, and we would like our constituents to look at it to see whether it makes sense to them.

I think probably the biggest reaction I saw during the August break in the discussions I had with constituents in South Dakota was a negative reaction in opposition to the notion of a government plan, that the government would create this public plan option—essentially a government plan. A lot of people who derive health care coverage in the private marketplace today would by default be pushed into that government plan, and you would have the government involved at a much higher level in driving a lot of the health care decisions in this country. There was a real reaction to that.

The point I made earlier as to what I think people were reacting to is the issue of control, power. Who has the power? Is the Federal Government trying to buy this expansion, create more power in Washington, and take away some of the power and decisionmaking that should occur between patients and their doctors? That was the one issue. The Finance Committee plan, to their credit, has done away with that—at least for the time being. They decided to proceed in a different direction.

That being said, the issue remains that people were responding to during August; that is, the issue of cost. According to the Congressional Budget Office, the overall cost of this, for the immediate 10 years, is a little under \$1 trillion. When fully implemented, the cost of the plan is still \$1.7 trillion, which has to be paid for somehow. They said they are not going to add to the deficit. The proposal is to reduce Medicare by \$500 billion. The balance will be raised in the form of tax increases, revenue raisers.

People are looking at this and saying: OK, a \$1.7 trillion expansion; what do we get in exchange for that? People will be covered who are not currently covered, but a lot of people who don't have insurance still won't be covered under the proposal the Finance Committee is currently considering. But it is still going to cost \$1.7 trillion.

If you are a taxpayer saying: OK, what is this going to cost and how may it impact my insurance premiums if I already have health insurance coverage, I think the answer was given by CBO Director Doug Elmendorf in response to a question. Senator CORNYN posed the question, and it had to do with: Will this lead to higher premiums? If you read from the letter, it says:

Senator, our judgment is that that piece of the legislation would raise insurance premiums by roughly the amount of the money collected.

Whatever is collected in the higher taxes that are going to be put on somebody else—that is always the assumption—is going to be put, in this case, on the insurance companies. But does anybody believe for a minute that will not be passed on to the American consumer? It is going to be.

So what does this legislation actually do to drive costs down? My whole argument in this health care reform

debate has been that anything we do ought to bend the cost curve down, not raise it. Almost every proposal we have seen increases or raises the cost curve. This is another example, according to the CBO, of a plan that, in the end, is going to raise insurance premiums for most Americans.

The other thing I think is important to note here—and the same response was given by the chief of staff of the Joint Tax Committee. He answered the question the same way: We analyzed this largely falling on the consumer, and that would happen in a couple of different ways. This is going to be eventually little paid by the consumer. It is a tax increase.

The other point is that the assumption is that the portion that is not raised through revenue increases, tax increases, will be paid for in the form of Medicare reductions. Do we really believe \$500 billion in Medicare reductions will be achieved by the Congress? And we know how difficult it is around here to talk about reducing Medicare. My view is, if we are talking about making Medicare more sustainable, we ought to look at how we can reform it and find savings. But this is going to take a new entitlement program and put it on top of a program that we are told will be bankrupt by 2017.

I still think we can do health care reform here that does bend the cost curve down, lowers costs for most Americans, and provides access to more Americans as well. We have not seen a proposal yet that doesn't include a significant increase in the amount of Federal Government control, of power in Washington, DC, an expansion of the Federal Government. We have not seen a proposal that actually does anything to get costs under control for most consumers. For most consumers, that is the issue; it is a cost issue. Furthermore, we are looking at proposals, from a taxpayer's standpoint, that will increase spending and borrowing and it will pass more and more of that debt on to future generations.

So we need to proceed slowly and get this right. We need to focus on ideas that actually reduce costs, such as allowing people to buy insurance across State lines or to join small business health plans, which is something we have tried to get through for a long period of time, unsuccessfully, or dealing with medical malpractice reform, so people can get insurance in the private marketplace.

This level of government expansion, this level of spending and borrowing is unacceptable to the American people. That is why they are reacting so negatively. It comes down to control and who has the power. Is it the Federal Government or the American people? It comes down to costs. What are we doing to future generations with the amount of spending and borrowing we are doing?

I hope we will take it slower and get it right and focus on initiatives and ideas that will get costs under control

and that before Congress adopts health care reform, that will be the focus, not expansion of government in Washington, DC, at trillions of dollars in additional costs to the American taxpayer and no savings to the ratepayer out there trying to get their insurance premiums under control.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNES. Mr. President, I wish to start out this morning by complimenting the distinguished Senator from Tennessee and the Senator from South Dakota. They have raised some excellent points. As I have listened to them, I have to tell you, I think they have offered a lot to move the debate forward.

I rise today to shine the light on what I consider budgetary gimmicks and omissions in the Finance Committee health care proposal.

Both Republicans and Democrats should be able to agree that one of the things we need to do in accomplishing true health care reform is to do it in a fiscally responsible way. We all went back home in August, and I heard the message very loud and clear from Nebraskans. They want honesty and full transparency as we attempt to achieve health care reform.

Americans believed the President when he said he wanted an open and transparent process. We all agree on that. Unfortunately, what we have is not transparent, and I argue that it is based on false assumptions. Honestly, an American family would have to hire a whole team of accountants to understand all that is hidden in the Finance Committee draft.

While the CBO has scored the bill as \$774 billion, the real cost of the bill—and that cost is moving up every day—is closer to \$1.7 trillion over 10 years, as the previous two Senators have pointed out. What its supporters neglect to tell you is that the main spending provisions in this proposal don't go into effect until 2013. That is right, the American public will have to wait 4 years before most of the new initiatives even get off the ground. So none of us should be surprised when the American people really laugh at an arbitrary deadline of the end of the week or the first of next week for finalizing committee action. They don't understand the need to hurry. The proponents claim it is such a crisis that we should rush through. Yet their fixes don't take effect for 4 years.

You can understand the American public's frustration and skepticism. They must watch the evening news—whatever their flavor of news is—and look at the Capitol dome and ask the question: What is going on? What is happening out there? They have to be scratching their heads in amazement. If they ran their business or household this way, they would be in bankruptcy.

If that weren't enough to fill an entire gymnasium full of townhall participants, there is, unfortunately,

much more. The proposal requires new taxes on everything from medical device manufacturers, health insurance premiums, and pharmaceutical manufacturers, topped off with additional Medicare cuts of about \$500 billion and, of course, unfunded mandates on the States in the form of the expansion of Medicaid, which I am all too familiar with as a former Governor.

Let me translate this. Higher taxes will be passed on to the American people. All these taxes, these fees, and these mandates will only increase the cost of health care. They don't decrease it when all this is passed on to the American consumers.

While the promised benefits don't kick in until year 4, the taxes and fees, interestingly enough, start right away, almost on day one.

In effect, the bill is structured to impose 10 years and \$848 billion worth of new taxes and fees, and you get in return 6 years of additional benefits under this bill. The creative accounting, unfortunately, only appears to get cheers inside the beltway. Yet the average American thinks we don't have a clue.

Another hidden cost is the new mandate on States through an expansion of Medicaid. I wish to spend a moment on that.

Partial costs to expand the Medicaid Program up to 133 percent of the poverty limit will be put on the States. This unfunded mandate will cost States—and estimates will vary—about \$42 billion. Of course, that is not built into the cost estimate, not because the American people don't pay for it, because they will, but because it doesn't fall on the Federal budget. Who gets to pay the costs here? Well, obviously, once again, it will fall on the American people.

I come from a State that is fiscally responsible. We have only two ways to deal with this kind of issue because our constitution prohibits us from borrowing money. What a unique concept; Nebraska doesn't borrow money. We have only two choices: we can cut programs or we can raise taxes. If we cut programs, things such as education, senior initiatives, infrastructure projects, prisons to keep the bad guys out of society, and other very valuable programs could find their budgets destroyed.

In these times of tight budgets, States have already slashed their budgets. They are down to the bone, and they are trying to figure out how they will balance next year's budget. I suggest the Federal Government giving them another layer of spending is not the answer.

The other alternative is to raise taxes, hit the consumer again. But that is not the right way to go either. But it seems that what we are doing with this mother of all unfunded mandates is making this choice inevitable.

Folks in Nebraska and across the country are going to resent seeing their State paying higher taxes be-

cause the Federal Government put them in this fiscal straitjacket. In addition, one of the main pay-fors in this legislation is \$400 billion, \$500 billion in Medicare cuts. Despite the fact that the Medicare trustees report projects that Medicare will be bankrupt by 2017, none of the \$400 billion goes toward shoring up our already pending fiscal crisis.

The false promise being made is that we can both fund this new entitlement with Medicare money and keep our commitment to senior citizens. I am not naive enough to buy that bag of goods and neither are our seniors. We are asking them to choose the prize behind the curtain when the prize is a goat.

I am deeply concerned that we are compounding the problem by not reinvesting these dollars back into Medicare. That is why I hope the Finance Committee will see the light today and adopt important amendments by the junior Senators from Kansas and Nevada.

Even the nonpartisan Congressional Budget Office Director admitted yesterday that these cuts to Medicare will decrease current insurance benefits that our seniors now enjoy.

Finally, this Finance Committee proposal is built on false assumptions when it comes to cost containment. The bill is based on the fantasyland assumption that scheduled sometimes double-digit payment cuts to medical professionals will be allowed to take place. The history is very much the opposite. We do the doctor fix on an annual basis.

Any Senator who votes for this Finance Committee proposal should be required to publicly state their support for a 25-percent cut in physician reimbursement rates beginning in 2 years.

Their proposals credit themselves free money by assuming savings in this area. Yet they know Congress waives the Budget Act, waives pay-go, and suspends these cuts year in and year out with a lot of support, I might add.

In fact, the Congressional Budget Office states:

These projections assume that the proposals are enacted and remained unchanged throughout the next two decades, which is often not the case for major legislation.

For example, the sustainable growth rate, SGR, mechanism governing Medicare's payments to physicians has frequently been modified to avoid reductions in those payments.

Therefore, I am not going to count on Congress acting any differently in the near future, and any cost estimate that assumes otherwise, I say, is not based on reality. We all know what they say about good intentions, but I still believe you do not spend money until you know from where the money is coming.

The American public simply deserves a very transparent discussion about our current and future actions, what they are going to cost, and what they will lead to in terms of our health care system instead of a house of cards. The American people have asked us to be

transparent. They know we have to make tough decisions. They just want to understand the ramifications of what we are deciding. That means they want us to read the bill. They want us to do that before we vote. They want us to have a full picture of how this will affect budget deficits and the fiscal outlook. And they want us to communicate that to them.

The American people want to know how this proposal will impact them and what it will do to the current health care system and their costs. Basically, they want us to know all the details before we rush into a vote. That means we need the time to look at this bill. This is going to be a 1,000-page bill, a Senate Finance Committee with no legislative language that is working now, a plan to consider almost 500 amendments, and yet they want to get it done this week. Mr. President, it is time to call a timeout and get this right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, as I listen to all of the discussion about health care, I have come to several conclusions. No. 1, there is a 100-percent bipartisan agreement that something has to be done. But No. 2, there is a growing strong bipartisan agreement that this bill is not the something that should be done.

From the New York Times:

The first big fight over the Senate Finance Committee's health care legislation erupted Tuesday night: a rollicking brawl over a deal that the Obama administration cut with the pharmaceutical industry to achieve \$80 billion in saving on drug costs over 10 years, money that would help pay for the legislation. Top House Democrats have hated the deal from the get-go. Senate Democrats are now bitterly divided. . . .

This resonates with the comment that the Republican leader made where he says the only truly bipartisan thing about this bill is the opposition to it. I think this demonstrates that we need to slow down, start over, and do it right.

We have heard many speeches saying we can't wait. We see people carrying signs: "Health Care Reform Now." We have just heard from the Senator from Nebraska that this bill will give us health care reform not now—4 years from now. Four years is a long time to wait. We can do it faster than 4 years, but we can do it faster only if we slow down, start over, and do it right. We can do it in this Congress if we slow down, start over, and do it right.

What are the things on which we need to start over? The looming challenge in this whole debate is cost. The numbers that are being thrown around are astronomical, and we still don't know exactly what they are. These are still estimates. The Senate Finance Committee has not reduced their proposal to legislative language. The CBO says: We can't give it a score until we get legislative language, and by the time we get the language, it is at least

2 weeks before we can produce a score. Yet we are being told we must pass this bill next week? Slow down, start over, and do it right.

We are going to pay for it, we are being told, by taking \$500 billion out of Medicare. And every study of Medicare says at least \$500 billion is being wasted, so that is easy. Let's take \$500 billion out, and we will solve the problem.

We can take \$500 billion out of Medicare with a meat cleaver, and that means we are cutting the programs that are good in Medicare, the things about Medicare that work as well as the things that do not work. Maybe we should slow down, start over, and do it right by taking the \$500 billion out of Medicare with a surgeon's scalpel rather than a meat cleaver and spend the time to find out where the money is being wasted, how it could be changed, where the incentives need to be altered so that the \$500 billion comes out of the right part of Medicare instead of with a slash with a meat cleaver.

Medicare is not the only one where more careful examination could produce significant savings. We are told that Medicaid in 2007 spent \$30 billion improperly. If we extrapolate that over the 10-year period that we use to make these projections, that is \$300 billion that could come from Medicaid. Are we going to take a meat cleaver to Medicaid and say we are going to arbitrarily cut \$300 billion out of Medicaid in the next 10 years because there is a study that says that much is being wasted or are we going to listen to the Governors, bipartisan, Democrat as well as Republican, who are telling us: What you are doing in this bill on Medicaid is going to bankrupt the States because they simply cannot sustain the kinds of increases that are built into it and nothing will be done about the \$30 billion of waste and abuse that is there.

How are we going to get at it? How are we going to discover what that \$30 billion is? How are we going to deal with it in a way that does not bankrupt the States? To answer that question, we need to slow down, start over, and get it right.

If I can be provincial and parochial for just a moment, my home State of Utah has done a great amount of work on health care. They have been very entrepreneurial and innovative. They have come up with ideas to deal with health care, ideas from which we at the Federal level could learn a great deal, but we cannot learn anything from the experimentation that is going on in the States if we continue this rush to an arbitrary deadline, to get this thing done within a couple of weeks.

The States have great experience with this. There is much the States can teach us. There is much the Governors need to tell us before we rush to spend this much money, which means we should slow down, start over, and do it right.

As I talk with the businesses, as I talk with my constituents in Utah, I come back to the same thing I said at

the beginning. There is a 100-percent bipartisan agreement that something has to be done. Our long-term challenges with health care are absolutely unsustainable, to use a Washington word. That is another word for disaster.

We have to deal with this, and we have to deal with it in an intelligent way. The numbers are very large, and we have to recognize the stakes are very high. But that is, again, the message that comes from those who will be most affected by what we do, either in their businesses or their personal lives or their tax returns. It is very important that we get it right; and if we are going to get it right, we have to start over. If we are going to start over, we have to slow down.

That is the wisdom this body should adopt as it deals with this challenge so that we can change the reality of where the bipartisan agreement is. Instead of the bipartisan agreement growing in opposition to the bill, we need a circumstance where a bipartisan agreement will grow in support of a bill that will solve our problem. The bill before the Finance Committee is not that bill, and a large number of Members of this body of both parties are increasingly coming to that conclusion.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from New York.

DEMANDING AN APOLOGY FROM THE GOVERNMENT OF LIBYA

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 253, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 253) expressing the sense of the Senate that the Government of Libya should apologize for the welcome home ceremony held to celebrate the release of convicted Lockerbie bomber Abdel Baset al-Megrahi.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 253) was agreed to, as follows:

S. RES. 253

Resolved, That the Senate—

(1) condemns the August 20, 2009, release from prison in Scotland of Abdel Baset al-Megrahi, the lone person convicted in connection with the 1988 bombing of a Pan Am flight over Lockerbie, Scotland, that killed 270 people, including 189 Americans;

(2) condemns the lavish welcome home ceremony held in Tripoli, Libya, to celebrate the release of Mr. al-Megrahi; and

(3) calls on the Government of Libya to apologize for the public celebration of Mr. al-Megrahi's release.

Mr. SCHUMER. Mr. President, I have a brief statement I would like to make about the resolution.

I rise today in support of S. Res. 253, a resolution condemning the release and vile welcome home celebration held for Libyan terrorist and convicted Lockerbie bomber, Abdel Baset al-Megrahi. I also express my sincere thanks and appreciation to my colleagues, Senators LAUTENBERG, GILLIBRAND, WEBB, VOINOVICH, CARDIN, CASEY, MCCASKILL, MENENDEZ, and MIKULSKI for agreeing to cosponsor this resolution.

Mr. President, it is upsetting that Libyan leader COL Muammar Qaddafi is in New York City at this very moment and will be given an opportunity to speak before the United Nations General Assembly. I am disappointed because I sympathize enormously with the families and victims of the deadly Pan Am terrorist attack who will be reminded of that deadly day in December almost 21 years ago when they see Qaddafi grandstanding at the U.N.

On December 21, 1998, Pan Am Flight 103, en route from London's Heathrow Airport to New York's John F. Kennedy International Airport, suddenly exploded over the town of Lockerbie, Scotland, killing all 259 on board and 11 people on the ground. Many New Yorkers and New Jersey residents were among the 189 Americans killed in the bombing. A young man from my neighborhood, whose family was active in a neighboring parish—Our Lady Help of Christians—was killed in the bloom of his early life. That story could be repeated over and over because there were many students who were coming back from a program affiliated with Syracuse University. We know people all over New York State were lost, and many young college students.

In 2001, at least the families of the victims found some solace when justice appeared to have been delivered as Abdel Baset al-Megrahi was convicted of murder and sentenced to life in prison. But to the shock of many people on both sides of the Atlantic, on August 20 of this year, the Scottish Government released al-Megrahi, who is currently suffering from prostate cancer and is predicted to have about 3 months to live. The Scottish Government claimed the release was a compassionate gesture given his failing health.

Upon his return, thousands of young men, who had been transported by the Libyan Government, gathered at the airport in Tripoli to greet the terrorist. They waved banners, threw flower petals after al-Megrahi was escorted from prison by Seif al-Islam el-Qaddafi, the son of COL Muammar Qaddafi. The hero's welcome Libya gave to this terrorist truly shocks the conscience and deserves a formal rebuke.

It is outrageous that the Libyan Government would so blatantly disregard the suffering the families have endured for more than two decades. S. Res. 253 demands the Government of Libya apologize for the gross homecoming celebration of al-Megrahi.

This resolution does three important things: First, it condemns the August 20, 2009, release from prison in Scotland of Abdel Baset al-Megrahi, the lone person convicted in connection with the 1988 bombing of a Pan Am flight over Lockerbie, Scotland, that killed 270 people; second, it condemns the lavish welcome home ceremony held in Tripoli to celebrate the release of al-Megrahi; and third, it calls on the Government of Libya to apologize for the public celebration of al-Megrahi's release.

Al-Megrahi only served 8 years in jail. He committed one of the most dastardly terrorist attacks that has been known in the last 100 years. Eight years later, the families haven't recuperated. They live with their losses every day, every minute. There is a hole in their hearts that will never heal. To release al-Megrahi is terrible; to celebrate the release of this awful terrorist is even worse. And for the world to remain silent, the U.N. not to condemn but to greet Qaddafi—strike three. It is an awful situation.

I call on the Senate to support S. Res. 253 condemning the release and the vile welcome home celebration. I hope all Senators will join us in cosponsoring the resolution. Murder and terrorism are not forgivable offenses, and refuge should never be offered to those determined to terrorize and murder the innocent. If we do so, we are encouraging future terrorists to repeat these awful crimes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

COMMENDING SENATOR MEL MARTINEZ

Mr. COCHRAN. Mr. President, I was deeply saddened by the recent announcement of the distinguished Senator from Florida, Mel Martinez, that he had decided to resign from the Senate. Although he had served in the Senate for a relatively short period of time—since January 4, 2005—he had become a very important influence in this body.

As the first Cuban American to serve in the Senate, he shared with us his personal experiences and insights into his early life in Cuba, including his separation from his parents at a young age as he traveled to Florida to embark upon a very successful new life of learning and leadership in the United States. He earned undergraduate and law degrees from Florida State University. He served as a member of the Orlando Utilities Commission and was elected Mayor of Orange County. President George W. Bush selected him to serve as a member of his Cabinet, as

Secretary of Housing and Urban Development. He was elected a United States Senator in 2004 and quickly established himself as an effective advocate for his State in the Senate.

Mel Martinez quickly became an active and influential member of the Armed Services Committee as well as the Banking, Housing and Urban Affairs Committee, and the Commerce, Science and Transportation Committee. His constituents benefitted in particular from his service as ranking member of the Senate's Special Committee on Aging.

Mr. President I congratulate my friend from Florida on his very successful service and important contributions through his dedicated public service in Florida and in our Nation's Capital. I have enjoyed serving with him, and I wish him all the best in the years ahead.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Carper amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Collins amendment No. 2498, to provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports bi-annually to Congress.

Isakson modified amendment No. 2504, to encourage the participation of the Smithsonian Institution in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009.

Vitter motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with Vitter amendment No. 2508 (to the instructions on Vitter motion to commit the bill), to prohibit the use of funds to delay the implementation of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the floor is now open for amendments to the Interior bill. I hope Senators will come to the floor if they have an amendment. The filing deadline is 1 o'clock this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I say to the Senator from California that I join her in urging our colleagues to come to the floor and offer their amendments so we can move on through the bill. There is an opportunity to offer them and to debate them.

Mr. President, if someone comes to the floor I will finish quickly so they can take the floor and we can move on with the bill, but while we are waiting for that, I ask unanimous consent to speak as in morning business.

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

CLIMATE CHANGE

Mr. ALEXANDER. Mr. President, with great respect to the President of the United States, I am still shaking my head a little bit in disbelief at his speech yesterday on climate change at the Climate Change Summit in New York. Here we had 100 leaders from around the world in our country to talk about climate change and the President said what he has said before, which is that we need to stop putting so much carbon in the air because carbon is the principal greenhouse gas that contributes to climate change, in the opinion of most scientists.

But in saying that, the President did not mention the one way we have to create a lot of low-cost electricity without putting any carbon in the air, and that is nuclear power—a process that the United States invented; a process that the United States operates more efficiently than any other country in the world. It produces 19 percent of our electricity, and our plants operate 90 percent of the time. Even France, which gets 80 percent of its electricity from nuclear power, only operates its plants 80 percent of the time. He failed to mention nuclear power even though it produces 70 percent of our carbon-free electricity, and even though every one of the other top five carbon emitting nations in the world are committed to a full-scale construction program for nuclear power.

This is what the President said:

The developed nations that caused much of the damage to the climate over the last century have the responsibility to lead—and that includes the United States.

Well, according to the Wall Street Journal on Monday, September 21, in its news pages, we know who produces the carbon: China is No. 1—6 million metric tons; the United States is No. 2—nearly 6 million metric tons. So we produce about the same. Russia is next—1.7 million; India is next; Japan is next. Those are the top five carbon emitting nations.

President Obama lectured other countries when he said:

But those rapidly developing nations—

And here he means China and India—that will produce nearly all the growth in global carbon emissions in the decade ahead must do their part as well.

He is right about that. The President went on to say:

We cannot meet these challenges unless all the largest emitters of greenhouse gas pollution act together. There's no other way.

He is right about that. But then, to my great astonishment—and I am sure to others—he stopped there and he basically was saying to China and to Russia and to India, as well as Japan: You must do something about carbon. We are going to take the lead. Yet they all are building nuclear power plants that emit zero carbon and we haven't started one new reactor in 30 years, even though we invented it. How can the President of the United States lecture other countries about the carbon they produce—the principal greenhouse gas—when they are expanding the one technology that could do the most to solve the problem?

Let's be very elementary here. Coal and natural gas plants produce nearly 40 percent of the carbon when they produce electricity. The President did boast of how the United States is committed to building windmills and solar panels. In fact, his administration wants to build 20 percent of our electricity from wind turbines. These aren't grandma's windmills, these are the giant 50-story wind turbines that they want to string along the Appalachian Mountain tops, from the Smoky Mountains to the White Mountains, along the coastlines, and run 19,000 miles of transmission lines to get the power to our homes and businesses. That is the plan. And to a point, that plan can help. I mean, renewable energy—solar panels, wind turbines—is a supplement to the electricity we need. But today, wind turbines and solar panels produce about 3 to 4 percent of America's carbon-free electricity. Nuclear power produces 70 percent of our carbon-free electricity. So why not expand nuclear power? Yet we haven't built a new nuclear powerplant in 30 years.

What is happening around the world? Well, they are not slowing down. They are taking full advantage, as the world often has, of American ingenuity. We invented nuclear power here. And after we invented the atom bomb, President Eisenhower and other scientists in the 1950s said: Let's have an atoms for peace program.

So we went off on two tracks. We used nuclear reactors to operate our Navy, which we have done successfully, without incident ever since the 1950s. Admiral Rickover pioneered that. So today we have about 80 Navy vessels operated by reactors and, during the 1970s and 1980s, we built 104 nuclear reactors. This was the Atoms for Peace Program. We took what probably was

the greatest scientific invention of the last century, the reactor, and used it to produce a lot of low-cost, reliable energy—which is the dream of the world, to have a lot of low-cost, reliable energy for everyone in the world. That is the one of the single best steps toward reducing poverty and increasing prosperity.

So here we are in the United States, using our 104 nuclear reactors—not having built a new one in the last 30 years—to produce 19 percent of our electricity and 70 percent of our carbon-free electricity. But what is happening around the world? There are 44 new nuclear powerplants under construction in the world. China has four under construction. This was the first country the President would be lecturing: Do something about carbon-free electricity. So China is planning 132 nuclear powerplants and we are constructing zero. We have not constructed one in 30 years. How can we lecture China about carbon if they are building 132 nuclear powerplants, which would be enough to produce one-fourth of all the electricity the United States uses? That is more than we produce today through nuclear power.

Russia is building two a year. One reason Russia is doing it is because they want to sell their natural gas to Europe at a lot more expensive price, so they are taking advantage of nuclear power to raise their standard of living. Japan is 36 percent nuclear power today. Japan, as everyone knows, suffered under the two atom bombs that were dropped. But they have come to terms with the safe use of atoms for peace, nuclear-power-produced electricity—36 percent of their electricity is nuclear. They are building two more plants. The United States has not built a plant in 30 years.

South Korea, one of the most successful emerging countries—in America, one of those countries that the President might be saying you need to do something about climate change—they are. Forty percent of their electricity is carbon-free nuclear power and they are building eight more nuclear plants by 2015 and we have not built one in 30 years.

India, the largest democracy—we point our finger at them and say we don't have to do anything about climate change until you do. They are. They are considering a thorium reactor. They are committed to nuclear power, partly because of the agreement between the United States and the Bush administration and India, and we are helping them build nuclear powerplants. We are helping China as well. But we have not built one in 30 years.

The President even said Iran has the right to build a nuclear powerplant; not a nuclear bomb but a nuclear powerplant. We have not built one in 30 years.

France—we don't usually like to say the French are ahead of us. We have a little love-hate relationship with France, but look what they have done.

They have taken our nuclear reactor invention and 80 percent of the electricity in France comes from nuclear power. They have among the lowest rates of carbon emissions in the entire European Union. They have among the lowest electricity prices in the European Union. They are selling electricity to Germany, which is the only one of the European countries that has said they don't want any nuclear power. So they are buying nuclear power from France.

There are many other countries in the world that are using nuclear power. But as the Wall Street Journal said: China, the United States, Russia, India, and Japan produce most of the carbon. Scientists believe carbon produces 40 percent of the greenhouse gases that cause global warming and the United States is the only one of those five countries that is not committed to the construction of new nuclear powerplants.

The President's plan instead is an energy tax and renewable mandates that would force us to build more giant wind turbines. Wind turbines work some places. They don't work in my part of the country. The wind doesn't blow enough, and we don't want to see them on our mountaintops. I am a sponsor of Senator CARDIN's mountaintop removal bill. We don't want people blowing up our mountaintops and dumping the tops of the mountains in our streams. We don't want them putting 50-story wind turbines that don't turn more than 19 percent of the time up there either. So there is a growing recognition that in addition to the unreliability of renewable energy, the energy sprawl on our landscape is something we should think about.

One thing we should think about is think about where to put renewable energy installations, to make sure they are in appropriate places. The other thing to think about is are there any alternatives to renewable energy. The answer, of course, is, yes, there are alternatives to renewable energy. The principal one is nuclear power.

Let me be specific. In order to make 20 percent of our electricity in the United States from carbon-free sources, we could either build about 186,000 wind turbines—these are 50 stories tall—that would cover an area about the size of West Virginia. Or we could build 100 new nuclear reactors. We have 104 today. Remember, China is building 132. Today, nuclear produces about 20 percent of all our electricity; wind provides about 1.3 percent.

Nuclear power is baseload power because it operates 90 percent of the time. That means we could have it on almost all the time. Wind power is intermittent. It only works when and where the wind blows and there is no way today to commercially store large amounts of that electricity.

Nuclear, as I mentioned earlier, operates 90 percent of the time. Wind operates about 33 percent of the time.

When you read that you have 1,000 megawatts of electricity from nuclear,

that means you have 900 megawatts because it operates 90 percent of the time. When you read you have 1,000 megawatts of wind, that means you probably have 300 or 350 megawatts because it only operates a third of the time and, as they found in Denmark and other places, the wind often blows at night when we don't need it. We have lots of unused electricity at night.

As far as additional infrastructure, building 100 new nuclear reactors would take very little new infrastructure because you could locate them mostly on the existing sites where we now have the 104 nuclear reactors we have today. Wind turbines, on the other hand, as I said, would take an area the size of West Virginia, plus 19,000 miles of new transmission lines that would go from unpopulated areas, through suburban areas, to populated areas where people need the electricity.

What about the Federal subsidy? Sometimes people say these big new nuclear plants must have a big federal subsidy, but the fact is they do not. To produce the first 100 plants that we have, they were built without much federal subsidy. To build 100 more, the estimates are for \$17.5 billion over 10 years, including a capped nuclear production tax credit—that would build the 100 nuclear plants. To build 186,000 wind turbines the taxpayer would shell out about \$170 billion.

We hear a lot of about green jobs, let's have renewable electricity because that produces green jobs. Green jobs are good jobs. We have two big new plants in Tennessee that the Governor recruited and they make polysilicone, which is for the purpose of making solar panels. We hope solar energy works and we believe it will. Today it costs four to five times in our area what other electricity costs, but we hope the price comes down and we are all for that. But the estimate for nuclear's green jobs to build 100 reactors would be about 250,000 construction jobs. To build 180,000 1.5 megawatt wind turbines would be about a third of that, 73,000 construction jobs, and then 70,000 permanent jobs for nuclear and 77,000 permanent jobs for the wind turbines. They would be about the same.

The lifetime of a nuclear plant is about 60 to 80 years. The lifetime of the wind turbines is about 20 to 25 years. At a recent hearing which was chaired by the Senator from California, we talked with the Interior Secretary about the possibility of bonds for the developers who are putting up these 186,000 turbines. What if they wear out after 15 or 20 years, which is what they are expected to do? Or what if policies change? Or what if subsidies disappear? Or what if we decide we prefer other forms of energy? Who is going to take them down? We need to think about that, just as we did not think about abandoned mines all over the country—47,000 alone in California.

Then there is the visual impact I mentioned. If you build 100 big nuclear

powerplants, 100 reactors, they have tall cooling towers. There is a visual impact there. But you do it mostly on the sites where the 104 are today, where they are well accepted by the people in those communities and it is only 100 of them and it only takes about 100 square miles. Mr. President, 186,000 wind turbines would cover 25,000 square miles, which is an area the size of West Virginia.

I hope as we proceed, after health care, to our debate on energy and climate change, that we will take a more realistic attitude. I am one of those Senators who believe climate change is a problem. I believe humans are contributing to it. I think it is time for us to stop emitting so much carbon into the air. But I would like for us to do that in a low-cost, sensible way that permits us to keep our jobs in this country and not in a high-cost way that causes us to drive jobs overseas, looking for cheap energy. Every single Republican Senator has endorsed an energy plan that is, No. 1, 100 new nuclear powerplants in 20 years; No. 2, electrify half our cars and trucks in 20 years; No. 3, offshore exploration for natural gas, which is low carbon and oil—we should use our own while we use it; and, No. 4, doubling research and development for alternative energy. How can we make solar cost-competitive? How can we find a way to recapture carbon from coal plants? How can we have advanced biofuels? How can we find the fourth generation of nuclear energy that recycles used nuclear fuel in a way that doesn't produce any plutonium?

It is not just the 40 Republican Senators who are interested in that. I have had a number of Democratic Senators talk with me about that. Many were far out in front of the issue before I began to speak so much about it.

My hope would be that, as we look more seriously at the issue of climate change and energy, that we adopt a low-cost energy strategy. We don't need an energy tax that raises everybody's electric bill. We don't need a renewable energy mandate that requires us to put up wind turbines in the Southeast, where the wind doesn't blow, anymore than we need a nuclear energy mandate that requires people to put up nuclear plants where people don't want them or a hydroelectric mandate that requires States to put up dams where there is no river. We need a low-cost, clean energy policy. Almost every other major country in the world is deciding that nuclear power is the key to the future.

Wind is a supplement. One day solar may be widely used as supplement. But for baseload power for a prosperous country there is no choice, in my view. So climate change may be the inconvenient problem, as my friend and fellow Tennessean, Al Gore, says. But nuclear power, I am afraid, is the inconvenient solution, and I hope we will move to the day when the President of the United States will go to a summit

on climate and say: Yes, we are building wind turbines in appropriate places; yes, we are having solar thermal panels in appropriate places; yes, we have doubled and tripled our investment in research and development for alternative energy. But as the country that invented low-cost, reliable, clean, carbon-free nuclear energy, I, the President of the United States, have set as a goal that we will double the amount of electricity we will produce from nuclear power.

If the President went to Copenhagen and said we were committed to build 100 new nuclear powerplants in 20 years and to electrify half our cars and trucks in 20 years, just implementing those two goals would get us close to the Kyoto Protocol standards in 2030; just implementing those two goals—100 new nuclear plants and electrifying half our cars and trucks—and we can do both. We already did both. Between 1970 and 1990 we built 104 reactors, not to mention the 81 U.S. Navy vessels powered by nuclear reactors, so we have done that. Most experts, including many in the Obama administration, agree we can electrify half our cars and trucks, and probably without building one new powerplant because we have so much unused electricity at night. We can plug them in at night. We will be reducing imported oil, keeping the price of fuel low, we will be cleaning the air, and we will be dealing with global warming.

So why are we engaged in a 1,000-page energy tax, a cap-and-trade system that doesn't effectively deal with fuel, that adds to taxes, and it runs jobs overseas, when we have before us the technology we invented that would lead us into the next century?

So I hope those issues evolve. I have seen that sometimes we do not have the votes on this side of the aisle, but we have the right message. Sometimes we find if we work with our colleagues on the other side, we can have the same message.

So I believe there are many Democrats and all of the Republicans who will join in setting a new national goal of 100 new nuclear plants in the next 20 years. I believe we already have consensus on electrifying half of our cars and trucks. So if that will help us reach the climate change goals, why don't we do that instead of a national goal that raises the price of energy, increases poverty, runs jobs overseas, and causes all sorts of unanticipated problems?

I yield the floor.

THE PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, one of my delights has been to work with the distinguished ranking member. I think anyone who was listening to this does see his erudition and knowledge on this particular subject. So I would like to thank him and commend him for his remarks. Senator ALEXANDER is correct. If we are going to address global warming, all of the options have to

be on the table and we have to rethink and relook at nuclear power as being a viable alternative as a clean fuel.

What has surprised me today is that so many people do not believe we face an emergency. So I have spent quite a bit of time trying to go back and look at global warming, look at books written by scientists, talk with people who have knowledge, who have expertise. And I have come to the conclusion that, unfortunately, it is real, that it is happening, and that it is substantially impacting our Earth. So since there is no one on the floor of the Senate wishing to offer an amendment—and I would be very happy to cease and desist should there be someone on the floor wishing to offer an amendment—I would like to say a few words about what I see happening kind of as, not a contretemps to what the Senator said but as a supporter of what he has said.

I think the science, as I said, is overwhelming. Our climate is changing. The Earth's climate has, in fact, warmed by 1.1 to 1.6 degrees Fahrenheit since the industrial revolution. People look at this and say: Oh, that is not very much. In fact, it is very much, and it changes the dynamic. It impacts species. It kills some. It diminishes the carbon sink of the ocean. It does a number of things. But let me read to you something that the Intergovernmental Panel on Climate Change warned in 2007.

Warming of the climate system is unequivocal. Observational evidence from all continents and most oceans show that many natural systems are being affected by regional climate change.

So I just pulled a few charts, and I would like to put them up and show them to you, which is the evidence of the change in our climate.

This is the Greenland Ice Sheet. The year is 1979. Since 1979, 30 percent of the ice sheet has melted. Here is Greenland in 1979, both the rust color as well as the interior. Here it is in 2007.

The source is the National Aeronautics and Space Administration. So this is an actual rendering. It is pretty clear how much has melted. Here is the Arctic at the end of the 2007 ice melt. The sea ice cover was 23 percent smaller than it was in 2005 and 39 percent below the long-term average from 1979 to the year 2000.

So here is the whole Arctic ice sheet. We now know the Northwest Passage is open and is open for the first time in history all during the year. You can see in 2005 the Arctic went all of the way out. 2007, here it is. The source of this is the National Aeronautics and Space Administration.

These are a couple of satellite photos from intelligence. We have large satellites in the air. They have photographed, as part of a project, some of the melt. This happens to be the Beaufort Sea, both in August of 2001 and 2007.

This site near the edge of the ice pack in summer as shown here has ponds of melted water forming on the surface. These dark pools absorb more of the summertime solar radiation than does the surrounding ice, enhancing melting.

So observations of sea ice conditions reveal considerable year-to-year variability. But these images display the variability with regard to the amount of melting and are an example of the long-term sequential record needed to support and understand this dynamic system. So pond coverage, monitored over time, contributes to the estimate. But this is the Beaufort Sea in 2001, and here it is in 2007. The dark is all open water. I think it is pretty clear.

This other satellite photo is of Barrow, AK. Here we see the Chukchi Sea in 2006, and it is pretty clear. Here it is in July of 2007, as photographed by a U.S. satellite. What they say is sea ice forms along the coast in the winter and generally melts or is breaking away by mid-July. Observation of sea ice reveals considerable year-to-year variability.

This is similar to the other one, but I think this really shows the difference in satellite photographs, and there is a project to continue from the atmosphere to prove the change in the ice map and the breakup of ice masses. So we know Greenland is melting at an extraordinary pace.

This week NOAA's National Climatic Data Center announced that the world's ocean surface temperature this summer was the warmest ever recorded. These records date back to 1880.

In the Arctic, researchers have found that the widely documented summer shrinking which I have just showed you again resulted in the first ever opening of the Northwest Passage.

In 2007, the winter thickness of that sea ice diminished by a record 19 percent in one winter, and scientists fear if the glaciers of Antarctica and Greenland melt at the same time, sea levels could rise by 20 feet. People say: Oh, that cannot possibly happen. I tell my constituents when they come: If you live near a beach in California, imagine what happens if the worldwide sea levels move up by 20 feet? In fact, some of this movement is already being felt in some of the Southern Pacific Islands, with people even making arrangements to move from those islands.

In California we have seen a dramatic increase in catastrophic wildfires. I have spoken about that on the Senate floor. I have spoken about it to my ranking member. We have spoken about it in committee. We believe this bill meets the challenge because for the first time it funds the fire suppression needs of the Forest Service.

But in the last 5 years, wildfires have burned more than 10,000 homes in California alone. Scientists now are predicting a 70- to 90-percent diminution of the Sierra snow pack. This is important because the Sierra Nevada Mountains provide the water for most of California. As a matter of fact, it provides the water for two-thirds of the State. That water could be lost due to climate change. At the same time annual rainfalls are decreasing, and the State's forests are burning up like never before. Here is the point: Can this warming be stopped? I have read a lot about it. I have talked to many peo-

ple. I have talked to scientists I respect very much. What they tell me is it cannot be diminished, but it might be able to be controlled.

The reason for this is that carbon released into the atmosphere does not dissipate. It has remained in the atmosphere since the beginning of the industrial revolution. So as carbon begins to pile up in the atmosphere, it creates the warming, and it also creates the potential catastrophe.

So what do we do? We need to begin by reducing emissions of carbon, and that is pretty clear now. I have seen no serious science that diminishes this at this point in time. Instead, what they tell me is that we need to reduce emissions by 65 to 80 percent below 1990 levels, and all by the middle of this century.

That translates to a goal of 450 parts per million of carbon dioxide in the atmosphere. So I think, as Senator ALEXANDER alluded to, there is no single policy we can implement to curb our Nation's emissions, no silver bullet. Rather, we need all the tools available, and this includes laws designed to protect the public from dangerous air pollution like the Clean Air Act.

Global warming is real. It is happening today. It is being charted by our satellites. It is being charted by our scientists. It is being charted by those of us in this body, and I think the real key is if we are ready to admit that fact and take the action to make the necessary conversion.

The Senator from Tennessee just spoke. I think eloquently, about the merits of nuclear power. I am one who believed originally that the human element and the waste element was such that it was not a viable alternative source. I no longer believe that. I think it is a viable alternative source, if we can fix the permit process that enables state-of-the-art nuclear technology to be built in a relatively short period of time.

The yield from a nuclear plant, as we know, of clean energy is very large indeed. So that is a positive thing. We are debating now the placement of solar facilities: where they should go, how big they should be, and this is cutting edge for us. We have talked about it. I have indicated my concern about projects that are too big, like 20 square miles in pristine areas of the California desert that we have been trying to protect with public funds over time.

We have learned that the largest solar facilities are perhaps 250 megawatts. So if you have them way up to 800, 1,000, this is without precedent. So we need to discuss if this is wise. If so, where should they be? What is the upside? What is the downside? Do they require new transmission corridors or are our existing transmission corridors adequate?

So I think these are the kinds of discussions that are most fruitful, how we

deal with the present circumstances. I hope that more Members of this body recognize it is only a question of time.

I remember the days when there was never a funnel cloud off the coast of California. Now people report that they see funnel clouds off the coast of California. Of course, one of the results of global warming is volatility increases of weather patterns. Raindrops are bigger, more volatile. Hurricanes, tornadoes are more volatile. We have to begin to deal with that.

There are people who believe the Earth is immutable, that the Earth will not change. Again, as I go back and read the literature and go back 255 million years, what is posited is that there was effectively one land mass on Earth and, geologically, that can be shown today. Yet various events have broken up the land masses. Volcanic activity that produces some of the greatest mountain ranges in the world also is believed to be responsible for the separation of the continents millions of years ago. I don't know, but this is much of what we see as we read some of the scientific material.

I do not believe the Earth is immutable. That is what has been so interesting about foraging into Mars to try to see if Mars ever, in fact, had water on it. Time is infinite. Therefore, one never knows when the planet Earth was born, what it was like when it was born, how it has changed over the millennia. One thing we know in the instant of this millennia we share, we have a problem, and we have to solve it.

I thank the Senator from Tennessee for bringing to the debate what is a valuable alternative source of energy that should be continued, just as wind, just as solar, just as biofuels, and just as moving away from the internal combustion engine into hydrogen, electricity, those things which can guarantee our future.

The one thing that is frightening about all this is we will not do it fast enough and we will not do it in a way that is able to stop the climate change which is now taking place, halt it. We can't reverse it but halt it. The time has come for the United States to take a leadership role. We have a big conference at the end of the year, which we have briefly discussed, where nations will come together and where they will look at the United States and say: You are the wealthiest country on Earth. You have 5 percent of the population, but you use 25 percent of the energy. Therefore, you have an obligation to lead. Certainly, the Chinese will believe this, although, as the Senator has pointed out, the Chinese have rapidly overtaken the United States in their release of global warming gases. But certainly India looks to us as well. So China, India, the big developing countries that so impact the release of global warming gases, it is very important that our President stand tall, that the United States stands tall and that we are willing to offer real leadership to the world.

Whether this happens remains a cipher, but I very much hope and pray it does.

I thank the Senator from Tennessee for his remarks. I am happy to make this small addition.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I congratulate the Senator from California. She is characteristically balanced in her approach and passionate about it which becomes a former mayor who is accustomed to making practical decisions. We have all had to change our minds about some things as we go along. There is in this body an entire range of views about climate change. Some are about ready to jump off the cliff. Others believe it is a complete hoax. That is probably the way it is in the country today among a variety of views.

My own view is that if I had this much information about my house probably catching on fire, I would buy some fire insurance. What we need to do in the Senate is say: Yes, it is a problem, and we are helping to cause it. What makes the most practical sense for dealing with it in a rapid way without running our jobs overseas where they are looking for cheap energy?

There are a variety of ways to do that. I totally agree that renewable energies are an important new source, but we need to be smart about it. One way to be smart is intensive research. We may find a way to make solar power a fourth the cost of what it is today. Then we have rooftops instead of thousands of square miles of thermal powerplants we can use. We may find cost effective ways to recapture carbon from coal plants. That would be a blessing not only for us but for the world because it would mean low-cost energy without polluting the world. It is important to recognize that the Obama administration's chief scientist, Dr. Chu, the Nobel Prize-winning physicist, says unequivocally that nuclear power is safe and used nuclear fuel can be safely stored onsite for 40 to 60 years, while we have a mini Manhattan project to find the best way to recycle that used nuclear fuel, most likely in a way that doesn't produce highly enriched uranium of the kind that causes proliferation concerns.

So the two questions often raised regarding nuclear power—what to do with the waste and is it safe. The chief scientist in this administration says those concerns aren't a problem. If that is the case, then nuclear power has to be a big part of the solution.

I am delighted I had a chance to hear the Senator speak on climate change. I hope, as we talk more about this over the next several months, we can agree on a consensus and permit the President to go to international summits and show the United States is actually leading.

Mrs. FEINSTEIN. Once again, Mr. President, I thank my colleague, the ranking member, the distinguished

Senator from Tennessee, for his comments. I agree with him.

The floor is open. We are going back and forth using the time, but I don't want Members to believe that if they come to the floor to offer an amendment, we will not promptly hear their amendment. The floor is open. So, please, if you have an amendment, come to the floor. The filing deadline is in 36 minutes. Hopefully, we will know what we are facing in about 36 minutes. We would like to move this bill and move on to Defense appropriations.

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

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

Mr. CHAMBLISS. I ask unanimous consent to speak as in morning business.

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

RECOGNIZING ANGEL FLIGHT AND MACK SECORD

Mr. CHAMBLISS. Madam President, I rise today to recognize the great work that is done by the Angel Flight organization and, in particular, one of its Georgia members, Mack Secord. In the world of nonprofits, Angel Flight stands out for its determination to bring those in need lifesaving medical care. In a world of dedicated volunteers, Mack Secord stands out for coupling his passion for flying with his passion to help his fellow man.

Angel Flight's creed is that the cost of travel should never stand in the way of patients receiving necessary medical care. Through a network of volunteer pilots, Angel Flight specializes in flying those in need to medical facilities at distant locations.

In Georgia, we are proud that the DeKalb Peachtree Airport in metro Atlanta is home to Angel Flight, the original volunteer pilot organization serving those who live in or traveling to or through Georgia, Alabama, Mississippi, Tennessee, and the Carolinas.

Since the year 2000, Angel Flight's missions of hope have increased more than 760 percent. Last year, these generous volunteer pilots flew 2,266 missions, serving patients with 167 different medical conditions who ranged in age from newborn to 100 years old.

In some of our Nation's most trying hours, the pilots and coordinators of Angel Flight were there. In the aftermath of 9/11, they transported relief workers, firefighters, Red Cross personnel, and FBI agents to New York and Washington when commercial air traffic was grounded. They served as first responders during Hurricanes Katrina and Rita, flying 450 relief missions that carried supplies, medical equipment, and volunteers into disaster areas, and reunited families separated by the storms.

In recognition of the service of its volunteers, Angel Flight received awards from the Red Cross and the National Aeronautic Association.

One of Angel Flight's dedicated volunteers is Mack Secord of Atlanta. Simply put, Mack's life has always been about service. He is one of the original 15 pilots of Angel Flight of Georgia. But before he found his calling transporting adults and children to hospitals, burn centers, and cancer treatment facilities, Mack had another calling: his country. Mack spent 42 years as a pilot in the U.S. Air Force. For 5 of those years, he served as the Air Force's senior spokesman at the Pentagon.

Flying and helping others have always been Mack's twin passions. In 1964, while in the Air Force, he participated in a daring humanitarian airlift in the Congo that saved more than 2,000 people who had been taken hostage. For his efforts, Mack and his colleagues received the prestigious Mackay Trophy awarded by the Air Force for the most meritorious flight of the year.

Since 1985, Mack has donated his time, his Cessna 180, and the cost of his fuel to Angel Flight. On his first mission, he picked up a little boy in Columbus, GA, who had terrible burns on his face and body from pulling a frying pan off a stove. Mack says he didn't know burn patients require continuing treatment. He said:

I realized during the first flight that this was an important service and that I could make a difference.

Mack is a one-man cheering section for Angel Flight. He spreads the word to the Lions Clubs, Kiwanis Clubs, Rotary Clubs, pilots associations, schools, churches, and anyone who will listen. He jokes that he will give his 20-minute PowerPoint presentation to any group of people who will sit still. This remarkable man also volunteers at the Hartsfield-Jackson Airport USO, works at the Atlanta Community Food Bank, and participates in a program to read to the blind. But his first love is flying.

Last August, Mack received the Wright Brothers Master Pilot Award from the FAA to commemorate 50 years of flying without accidents, incidents, or violations. In October, Mack was given the first-ever Lifetime Achievement Award from Angel Flight, marking his 23 years of service. Fittingly, it will be renamed the "Mack Secord Award." Just this month, Mack was honored with the National Aeronautical Association's Public Benefit Flying Award for decades of going above and beyond as a volunteer pilot, bringing lifesaving medical care to families in need. This recognition couldn't come to a more deserving organization than Angel Flight, nor to a more deserving individual than Mack Secord.

On behalf of those who need help, thanks to Angel Flight, and to Mack Secord, for letting your passion for service take flight and for making hope soar.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to share a few thoughts about the process we are going through and the impact it is having on spending by the U.S. Government. We are at a rate that everyone agrees is unsustainable.

Worse than that, I think it is irresponsible, and we do not need to be doing the things we are doing now. I object. The ramp-up in discretionary spending for the appropriations in fiscal year 2010 is unprecedented. We know we have the biggest deficits we have ever had in the history of the Republic. Now we are passing more appropriations bills that will take effect next year that will have unprecedented spending levels. For example, the agriculture bill; I have always tried to support Agriculture Appropriations in the Senate. I have not always been able to do so. It had an increase of 14.5 percent. At that rate, spending on agriculture will double in 5 years. The average increase in agricultural spending, compounded over the past 7 years, from 2003 through 2009, was just 2.1 percent. So we have 14 percent.

Now we have the Interior and EPA funding and their increases this year in the bill before us today, which is 16.6 percent. What is inflation? Two percent or less. That is a 16-percent spending increase in 1 year. At that rate, spending for Interior and EPA would double every 4 to 5 years. Within this bill, the increase for the EPA is 33 percent. I guess that would double in 2 to 3 years. Since EPA was added to the Interior financing in 2006, it is difficult to compare—at least prior to that. However, we have added EPA funding to the Interior funding to get a comparison over previous years. The average annual increase in Interior-EPA Appropriations, from 2001 to 2009, is 1 percent but this year 16.6 percent. And we have the largest deficit in the history of the Republic this year.

When we pass a stimulus bill that is huge, in terms of additional spending, that is not being counted in what I am making reference to today.

We also passed the Transportation HUD bill, commonly called the THUD bill. Looking at its configuration for the past 3 years, we are able to conclude how that developed. From 1995 to 2009, we have seen a 5.2-percent average increase in discretionary spending—5.2 over the last 8 years. This year, what do you think it is? It is 23 percent. At a 23-percent rate, spending for highways in America would double in 3 to 4 years.

Why is this important? Let me back up one more time and mention the stimulus package. We passed, this year—the President insisted on it, and he was able to force it through—an \$800 billion stimulus package. It was supposed to be to fix our crumbling infrastructure, our highways and bridges. Did you know only 4 percent or less of that \$800 billion went to highways and

bridges? That was a flimflam. The number I am talking about in the basic highway budget we passed, I guess, a few weeks ago, that bill has a 23-percent increase, in addition to the money they got out of the stimulus package.

To show you how large that \$800 billion is—the stimulus package—spending only 4 percent on highways increased the Federal highway funding by about 40 percent. It may be more. You can say: Well, Jeff, the economy isn't doing well, so we need to spend more money. I submit that we are spending money to a degree that it is putting a cloud over the future of our Nation, and people who are involved in finance and investment and business are worried not about what is going to happen in the next year but about what is going to happen in the next 5 to 10 years. How can we sustain something that is unsustainable? The administration said this cannot be sustained and Democratic Senators have said it. Certainly, I say it.

In 2008, the entire national debt from the beginning of the founding of our Nation through 2008 was \$5.8 trillion. According to our Congressional Budget Office, which I believe is a fair and impartial group, they calculated the President's budget and what it would mean to the deficit. They concluded that in 5 years—and the President submitted a 10-year budget—that would double to \$11.8 trillion. That which we took over 200 years to accumulate—\$5.8 billion—would be doubled in 5 years. By 2019, 10 years from now, it would triple to \$17.3 trillion in debt.

The road we are on today will triple the national debt. I am not making up these numbers. These are the Congressional Budget Office numbers. It is stunning. In fact, it is based on the assumption that unemployment would top out at about 8 percent. What are we moving to now? About 10 percent. It also assumed a vigorous bounce-back in economic growth next year, which it doesn't look like we are going to get. So the results of those numbers can be worse than it appears here because the economy isn't coming back as rapidly as we would like it to.

It is hard to figure this. Some might say: I am unable to understand this, Sessions. How much money is this? A trillion dollars doesn't mean much to me.

Well, we spend less than \$100 billion a year on education now. We spend about \$40 billion on highways. Do you know how much we spend on interest on the debt? People think you can just print the money, and that is not what happens. We borrow. We sell Treasury bills and notes; people buy them and we have to pay them interest. Right now, interest rates are pretty low. It is expected those interest rates are going to increase from the financial sector on Wall Street, and the CBO, which calculates these numbers—everybody assumes the interest rates will go up some. How much, we don't know. They took a moderate increase in interest rates.

In 2009, this year, the interest on our debt is expected to be \$170 billion. That is going to go up every year. Why? Because the deficit this year is going to be about \$1.8 trillion. We have never had such a deficit in the history of the Republic. Last year, we had a \$450 billion deficit, the largest deficit in the history of the Republic. This year, it will be \$1.8 trillion. What does that mean? We have to borrow that money.

Over the 10-year budget window, as assumed by the CBO, the deficits will never fall below \$600 billion. In fact, it will average over \$900 billion—almost \$1 trillion a year. That is how you get to \$17 trillion after 10 years. So we have to borrow that money in the world marketplace. Countries such as China bought huge amounts of our Treasury. We pay them interest on that money. What does this mean over the 10 years? I think this can help the American people understand how sizable this debt is.

As I noted, we spend \$100 billion on education federally and \$40 billion on transportation. This year, 2009, we spent \$170 billion on interest. In 2009, under the red line here on the chart, it will be \$799 billion—\$800 billion—money that we used to be in a position to do things with, such as build roads and do other things the Nation needs. That is now going to have to be spent every year—\$800 billion—to pay interest. That is why Alan Greenspan, Wall Street experts, Ben Bernanke, and others have said this is unsustainable; we cannot continue this course.

What do we get from the Appropriations Committee and the Senate leadership? We get an Interior bill that increases funding 16.6 percent. That is not acceptable. That is simply too much spending. As I indicated, a lot of money is being pumped into Interior and environmental appropriations from this \$800 billion stimulus. I am not counting that. This is baseline spending. So next year, if somebody in this Congress were to have an epiphany and become frugal, and we cut the budget and don't increase it a bit, what will be the average increase over 2 years? It would be 8 percent. That is totally unacceptable.

In the last 3 years, spending for interior and the environment, 2007 had a 5.6-percent increase; in 2008, a 3.7-percent increase; last year, minus 2.9. So you are averaging far less than that. This is a thunderous increase in spending in this Appropriations bill. I cannot support it. There are a lot of good things in this legislation, and I would like to support it. But I will not vote for a bill that increases discretionary spending by 16 percent.

Has anybody been in a townhall lately and talked to their constituents? How concerned are they? They think we have lost our minds up here. Have we not? Is the message not getting through? Look at this highway bill—a 23-percent increase in HUD and highway spending. It is 23 percent, and that doesn't include the stimulus money,

which amounts to a 40-percent increase on top of that. This is baseline spending. When you put it in the baseline and do not make it an emergency, stimulus spending, you have created momentum for continuing increases in the future. How many people think we are going to cut spending for next year? How many people think we will have spending for HUD and transportation that will be below or equal to the inflation rate?

Unless the American people get heard soon, we will have another budget with a big increase. We have never seen 23 percent and those kinds of baseline expenditures before. I don't want to go on anymore at length. I don't want to vote against these bills. I would like to vote for the good things in them. But we have to simply recognize what we are doing is unacceptable. The American people are furious with us. They are rightly furious with us. We need to get our act together. When we had a shortage, one of the most significant votes I recall we took—it was so irresponsible—was when Senator VITTER, from Louisiana, offered an amendment that said the shortage in gas tax revenue that we find with the highway bill, that should be made up by taking money from the stimulus package. That had been unspent—\$800 billion. If it only takes \$20 billion or something such as that, that is what the bill was supposed to be for—crumbling infrastructure. He proposed that and it was voted down. Why? Because they did not want to take a dime out of the \$800 billion stimulus bill, even if it was not spent, and they wanted to fill that gap with more debt. Since we are already in deficit, to find another \$20 billion or so to complete the highway bill over the next year or two, we just have to increase the debt. That is what we have been doing. It is an unsustainable course.

I urge my colleagues to begin to say no. Let's vote no on this legislation. Let's start sending the American people a message that we hear their concerns, we know their concerns are legitimate and right, and it is time for us to be responsible.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. McCASKILL. Madam President, I understand I cannot call up an amendment right now because of the rules that are currently in place, but I wish to speak about an amendment I will be offering at a later time when the rules permit.

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

Mrs. McCASKILL. Madam President, the amendment I will be offering

speaks to what I see as a very fundamentally flawed process in our appropriations in Congress. I am not in the majority in this body as it relates to the subject of earmarks. I realize I am one of very few in my party and a few more but not a whole lot on the other side of the aisle who do not participate in the earmarking process.

I hope my amendment is calling attention to how this process is flawed and why we need to change the process. There are many problems with the process, but two of them I am going to speak briefly about today.

One, the process is fundamentally unfair. It is rather mysterious how much money gets set aside for earmarks and who does it and where it happens. It is even more mysterious as to how the decision is made as to how the earmarks are distributed among the Members.

I point out that in looking at the appropriations bills that we have handled so far, it is very clear that the process is heavily weighted toward the Members who serve as appropriators. I get that. That is part of the culture that has grown up around earmarking; that is, if you are an appropriator, you are entitled to get more. I am not sure that is a good way to spend public money, but I think it is important to point out that is the process.

Fifty percent of all the earmarks in this bill are going to the members of the committee. Last week, it was even more egregious. I don't think most Members realized when we voted on the T-HUD bill, the Transportation, Housing and Urban Development bill last week, that in the Transportation part of the bill, there was \$1.6 billion in earmarks. Over 50 percent of that money went to four Members, four States. So out of 50 States, four States got more than half of all the money. Well, when I tell that to people in Missouri, they say: Huh? How does that happen? How can that happen? And I frankly don't have a very good answer for them.

The other problem I wish to call to the attention of my colleagues today is not just the process as it relates to how earmarks are distributed but where these earmarks come from. This money is not growing on a secret tree somewhere that we are harvesting. It is coming out of programs. It is coming out of budgets. One of the things I found most troubling is that many of these earmarks are coming out of competitive grant programs or formula grant programs.

Formula is a formula because there is a way that is predictable about how the money is distributed—based on the size of the State, based on population; depending on the program, based on geography. It is a formula everybody understands. Taking money out of a formula to fund earmarks takes it from a predictable process based on merit to a very unpredictable process based on who you are.

The same thing with competitive grant programs. Competitive grant programs are ones where merit is supposed to rule the day based on criteria

set forth. The amendment I will offer basically wipes out the earmarks in one of these competitive grant programs. The program I am referring to is a great program—it is called Save America's Treasures. It was created by executive order in 1998. It is a public-private partnership, and there are specific criteria as to what a project has to have in order to qualify for this money—\$20 million.

This is a small example. I admit this is not going to change anything, as we keep talking about bending the cost curve, but it is a great example of what I am talking about. It began as a competitive program and it has begun to morph into something more than a competitive program because now half of the money this year will be earmarked, leaving only \$10 million for a competitive program.

So if your State doesn't get an earmark, either in the House or the Senate, in the bill, then the chances of your State getting any money out of this program have been cut in half. It is only \$10 million for the entire country for these grants which are to restore America's historic treasures across the country. That is a problem.

Is this an isolated problem? No. No. In fairness to this subcommittee, this is a little problem compared to some of the other competitive grant programs that have been raided for earmarking. The hijacking of public money for earmarking from the competitive grant bus is going on everywhere, and let me give another couple of examples.

Last week, when we did the Transportation, Housing and Urban Development Appropriations bill, there were two good examples. They are programs that began to provide competition to valued programs across the country. The first one is the Neighborhood Initiatives at HUD, the Housing and Urban Development Department. In 1998, Congress created this program. The interesting thing is it was created to help people who were doing welfare-to-work projects. Great intentions; great program.

Ironically, HUD began granting these awards to people based on the competitive criterion that Congress had given them. Congress passes the program, funds the program, and tells HUD these are the competitive bases on which you should make these grants. There were no earmarks in the program at all in 1999—none—after Congress created the program. Beginning in 2001, however, every dime in this program under the Neighborhood Initiatives Program has gone to earmarks. Once again, a competitive merit process morphs over into a completely earmarked process.

How about another example of a program—the Economic Development Initiative, also in HUD. Congress introduced the program in 1994; once again, a congressional program. Funds were to be awarded competitively, and for the first couple of years they were. EDI funds were awarded competitively. Congress started earmarking the ac-

count beginning in 1998. By 2001, the entire account was earmarked. So Congress began it as a good idea, and said do it competitively. By 2001, competition was gone.

Ironically, the statute that sets out the criteria for competitive EDI is still on the books. It is still in the law, but we no longer follow it because there has been a decision to morph that competitive program into an earmark program. I think that competition is a good thing, and this isn't about a bureaucrat somewhere sprinkling fairy dust and supplementing their judgment for the judgment of Congress.

In fact, the examples I have given are programs that were designed to be competitive, and in two or three instances they were designed to be competitive by Congress itself and then somehow they have morphed over into a pecking order of priorities based on someone's seniority or the committee they serve on, or even if they are in some political trouble. It seems to me a goofy way to spend money, especially the public's money.

I ask my colleagues to consider this amendment. All it does is restore the program to a competitive basis and allow every State to compete on the same basis for the money in that competitive program. When the time is right, I will call up the amendment, once the rules allow me to do so.

I yield the floor.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, I have consulted with the manager and the ranking member, and I ask unanimous consent to speak as in morning business for 10 minutes.

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

HEALTH CARE

Mr. DORGAN. Madam President, there is now underway—beginning yesterday in the Finance Committee—a discussion about health care reform. It is complicated, controversial, difficult, but important. I know they are working hard to try to figure out what they might do to see if they can put some downward pressure on health care costs and also to extend coverage to those who don't have health coverage.

There has been a lot of generous discussion on the floor of the Senate. We have had a so-called Gang of 6, now there is a gang—a larger number—of the Finance Committee members, and soon there will be a gang of 100 Senators who are trying to consider what to do about health care issues. We have had people come to the floor of the Senate to say there is a proposal for a government takeover of health care. I

don't support that. I don't believe anybody has proposed that but, nonetheless, we have had people come to the floor of the Senate saying that is what is being proposed. I don't support a health care reform plan that lifts the ban on using Federal funding for abortion services. I don't support government rationing of health care. I don't believe that has been proposed, although it has been alleged it has been proposed. I don't support providing health care benefits to those who have come to this country illegally. And I don't support doing anything that undermines Medicare for the elderly or in any way diminishes or undermines VA health care.

All of these have been discussed by people who have trotted over to the floor of the Senate to make allegations about thing one or another. At some point we will consider and vote on the floor of the Senate on legislation that I think meets the interests of this country, meets the test of being in the public interest, and does not represent a government takeover of health care. But having said that, let me make a point that one of the things that has not been adequately discussed, but will be, is the issue of price increases for health care—cost increases—and especially that portion that relates to prescription drugs.

Let me be quick to say with respect to prescription drugs that the pharmaceutical industry plays a very important role in this country. The development of prescription drugs some with private investment funding in research and development by the pharmaceutical industry, some is a result of what we spend in public funding through the National Institutes of Health and then make what we have learned available to these companies—all of these in my judgment benefit this country and reflect the public interest.

The relentless march of increased costs of health care in virtually all areas includes the increased cost of prescription drugs, and the question is: What do we do about that? There is very little discussion about it, but I want to talk about it for a couple of minutes today.

I have introduced—for some number of sessions of the Congress now, along with my colleague on the other side of the aisle, Senator SNOWE—a piece of legislation that has had broad bipartisan support. It includes the late Senator Ted Kennedy as a cosponsor during this session of the Congress. It includes Senator Barack Obama as a cosponsor in the last Congress. It includes Senator JOHN MCCAIN, Senator JOHN THUNE, and Senator GRASSLEY. It is bipartisan and has had very broad support. Yet we have not been able to get it through the Congress because it is controversial. Let me describe what it is. It is legislation that tries to put some downward pressure on the escalating prices of prescription drugs.

I understand it is legislation that causes great concern to the pharmaceutical industry. I understand that because they price prescription drugs in this country the way they want to price them, and the way they want to price them is for brand-name prescription drugs we pay the highest prices in the world by far, not even close.

I have a pretty good description of that in my desk. These are empty bottles. Let me ask unanimous consent I be able to show them on the floor of the Senate.

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

Mr. DORGAN. These are bottles in which Lipitor is deposited. It is made in Ireland. The company which makes Lipitor, which is the highest selling prescription drug for the control of cholesterol of any drug in the world, I think—it is very popular.

As we can see this drug is made in a factory in Ireland and then sent around the world. This is actually the same bottle—one is blue and one is red. But this was sent to Canada and this was sent to the United States. The only difference is that in the United States, if we buy a tablet of Lipitor in this order, we pay \$4.48, and the Canadian consumer pays \$1.83.

It is not just the U.S. versus Canada. It is the U.S. price versus prices almost anywhere. Again, the same drug put in the same bottle in a plant sends medicine around the world to Germany, Italy, Spain, France, England and, yes, Canada and the United States, and what is the difference? There is no difference. It is the same pill put in the same bottle. The difference is price. We get to pay double what most other people in the world pay for Lipitor. Fair? Not as far as I am concerned. It does not make much sense to me.

How do we make that stick? We make that stick by saying to the American people: You can't purchase that same FDA-approved drug when it is sold in other parts of the world. You can't purchase that for half the price because we will not allow you to bring it back into this country because we are worried, the pharmaceutical industry says, that counterfeit drugs would come into the country.

Let me talk just a bit about that. When I say this, I don't want anybody to believe our drug supply is unsafe, but I do want to say this: 40 percent of the active ingredients in U.S. prescription drugs currently come from India and China. I am going to talk about that just for a minute. I am saying this because the pharmaceutical industry continues—including yesterday as a result of stories about this—continues to say if we pass the legislation that a broad bipartisan group of us want to pass, that gives the American people freedom—yes, freedom; the freedom to purchase the identical FDA-approved drug from wherever they choose to purchase it—they say if we do that we undermine the safety of prescription drugs, there are counterfeits, and so on—safety.

Forty percent of the active ingredients in prescription drugs come from India and China. Last year the Wall Street Journal did a very large story and did some first rate journalism, I might say.

More than half the world's heparin, the main ingredient in a widely used anti-clotting medicine, gets its start in China's poorly regulated supply chain.

So ingredients go into medicine that comes into this country, heparin in this case. Let me describe the photographs in the Wall Street Journal. They went to find out where the heparin came from.

Here is an example of a man using a tree branch to stir a caldron of material coming from pig intestines that becomes heparin, from which the ingredient for heparin is extracted. You can see the kind of facility this is; uninspected, by the way. Never inspected. Pig intestines coming out of this machine. These are Wall Street Journal photographs, not mine, that describe heparin, the active ingredient, heparin, originating in this sort of unregulated area in rural China.

The industry is saying to me if we pass legislation that requires batch lots and pedigrees and controls, manufacturing controls on anything that comes in, and chain of custody, somehow we would injure the safety of the drug supply? Come on, that is not the case at all.

In fact, what we will do with the legislation that we have created is dramatically improve the safety of all of our drug supply because of what we provide for the FDA and what we require to be done to assure the safety of the chain of custody for the drug supply.

Dr. David Kessler, former head of the FDA, says this about our proposal. The Dorgan-Snowe bill "provides a sound framework for assuring that imported drugs are safe and effective. Most notably, it provides additional resources to the agency to run such a program, oversight by the FDA of the chain of custody of imported drugs back to the FDA-inspected plants, a mechanism to review imported drugs to ensure that they meet FDA's approval standards, and the registration and oversight of importers and exporters to assure that imported drugs meet these standards and are not counterfeit."

The question is this: It is not whether the pharmaceutical industry is a good industry—it is. It is not whether it does good things for our country—it does. I have supported the pharmaceutical industry in many ways. I support the research and development tax credit from which they benefit. I have always supported that. I am very interested in driving more research, so I support that. I have written that I would even support an increase in the patent period in cases where it takes them longer than it should take to get their product to market. They do have a point about that. I am not interested in injuring anybody, especially this industry.

I do think, however, if we are going to talk about how to deal with the relentless march of increased health care costs, we cannot ignore the increased costs of prescription drugs.

The pharmaceutical industry and the White House had announced a deal by which the pharmaceutical industry would contribute \$80 billion over 10 years to help pay for what they had described. Basically, it is providing a benefit to help partially fill the so-called doughnut hole—I know this is Washington jargon—for senior citizens in Medicare; to partially fill that it provides rebates for purchases of brand-named drugs.

I think that is fine. But that is not a proxy for trying to restrain the relentless increase in the cost of prescription drugs in this country.

In 2008, the average price increase for the most widely used brand-name prescription drugs was 8.7 percent, more than twice the rate of general inflation. The fact is, if we go back we see what has happened to the cost of these prescription drugs in our country. It is up, up, and way up, and too many people are having to determine whether they purchase their medicine or buy their groceries, or purchase their medicine or pay their rent. I think there are ways for us to address it.

My colleagues and I are offering legislation when a health care bill comes to the floor of the Senate. We are going to offer legislation that will be the Dorgan-Snowe bill with, I think, somewhere around 30 cosponsors or so, that is very simple. It simply provides the freedom for the American consumer to purchase the FDA-approved drug where they choose to purchase the drug, and we outline the countries in which there is a nearly identical chain of custody to the chain of custody we have in our country for prescription drugs, then provide the resources for the FDA to monitor and to deal with that.

Second and most important, we provide requirements for pedigrees and batch numbers and lot numbers to be able to trace back prescription drugs.

One of the things we discovered with the heparin issue is we couldn't trace it back to find out where it came from. That does not make any sense to me. We do need legislation, in my judgment.

I received a letter from a woman in North Dakota a while back. She is suffering from fibromyalgia. She had the disease 20 years and tried many different treatments. The disease impairs her cognitive skills and causes her fatigue every day, and she is trying a new drug that she says helps with the fatigue and her concentration. She said:

I have taken my first pill now and noticed improvement immediately, but the drug costs \$348 a month, \$11.60 a pill, so I am going to have to try to find a way to work despite the fact I really can't work in order to pay this drug bill.

She says:

Byron, I am beat up but I ain't used up. This pill could be the difference between

working and filing for Social Security disability. Is there some way that people can afford this drug which doesn't yet have a generic version? Is there some way to put some downward pressure on prices?

The answer is yes, there is; legislation we introduced in the Senate. The Congressional Budget Office says this saves \$50 billion, I believe it is, in 10 years, a \$50 billion saving, and \$10.6 billion of that is savings to the National Government. The National Federation of Independent Business—and I will ask unanimous consent to have this printed in the RECORD—the NFIB has just written, September 21, 2009, saying:

On behalf of the NFIB I would like to express our support for S. 1232, the Pharmaceutical Market Access and Drug Safety Act of 2009. . . .

It is signed by Susan Eckerly, the senior vice president of public policy.

Madam President, I ask unanimous consent that a copy of the NFIB letter dated September 21, 2009, be printed in the RECORD.

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

NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
Washington, DC, September 21, 2009.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS: On behalf of the National Federation of Independent Business (NFIB), I would like to express our support for S. 1232, the "Pharmaceutical Market Access and Drug Safety Act of 2009." This bill would allow for the importation of prescription drugs while ensuring that appropriate safeguards are in place to protect the integrity of imported medications. Importation offers a means of reducing one of the most rapidly rising healthcare costs facing consumers today: spending on prescription drugs.

This much-needed bipartisan legislation comes at a critical time for men and women in the small business community struggling with the ever-increasing cost of healthcare. Small firms pay an average of 18 percent more than their larger counterparts for the same healthcare benefits and are continually seeking out ways to lower their healthcare costs. With U.S. prescription drug spending expected to increase over the next decade, it is clear that the small business community must pursue viable opportunities to improve affordability and access to healthcare goods and services. The Congressional Budget Office has estimated that this legislation could result in a direct savings of \$50 billion. Those savings could provide some much-needed and long overdue relief to small business.

The "Pharmaceutical Market Access and Drug Safety Act of 2009" secures a framework for the safe and legal importation of prescription drugs. NFIB is pleased that your legislation includes specific requirements to ensure that every imported drug must meet U.S. safety standards. The benefits for small business are also achieved by allowing licensed pharmacies and drug wholesalers to import Food and Drug Administration-approved medicines for commercial purposes.

Providing access for the importation of prescription drugs enjoys broad support. Seventy-eight percent of NFIB members favor allowing individuals to purchase drugs from other countries—support that is affirmed by

other public opinion research including a Wall St. Journal poll indicating that eighty percent of Americans support importation.

Thank you for your continued efforts to increase access to affordable healthcare for the small business community. We look forward to working with you on this important piece of legislation.

Sincerely,

SUSAN ECKERLY,
Senior Vice President,
Public Policy.

Mr. DORGAN. Many other organizations have supported this legislation. The reason I wanted to visit about it today briefly is to say that whatever is considered in the Finance Committee and then developed as between the Finance and the HELP Committees and brought to the Senate floor for debate when health care is debated on the Senate floor, I will intend to be here with my colleagues. I know Senator MCCAIN, Senator STABENOW, Senator SNOWE—many others will want to be here to offer this amendment at the front end of a discussion and debate on health care on the floor of the Senate.

This has been a long, tortured trail—too long, in my judgment—to get this done. I understand, as will have been the case in the past and likely will be the case this year, we will have people stand up on the Senate floor and oppose us, saying it is going to undermine or somehow compromise the safety of the drug supply. It is simply not true. All of the experts who have looked at this have said we have created something that will actually improve the safety of the drug supply coming into this country.

Let me describe it in the easiest and best way I know, and that is with a very popular prescription drug. Somebody once said so many people take this they ought to put it in the water supply. I guess I don't support that, but Lipitor is the most popular drug, medicine for lowering cholesterol, by far. There are others as well. I should not fail to name them, but I believe this is the biggest selling cholesterol-lowering drug. The American people get to pay twice as much for the same pill put in the same bottle as virtually everybody else in the world. I think that is not fair. I think it is not fair that the American people pay the highest prices in the world. It wouldn't happen if the American people had a little bit of freedom, and that is the freedom to purchase this prescription drug from a FDA-approved plant with pedigreed lot numbers in a supply stream or chain of supply that is judged safe by our FDA.

We will have this amendment, have debate, have a vote. My fervent hope is that this is the time. There is a time and place for everything. My hope is that at long last this is the time Congress will pass this kind of legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Tennessee is recognized.

FEDERAL STUDENT LOANS

Mr. ALEXANDER. Mr. President, the pending business is the Interior appro-

priations bill. I know several Senators have amendments. If they would like to come and speak on those amendments, this is a good time to do that. Then, working with the Senator from California, who is chairman of the committee, we will try to move those amendments to a vote as quickly as possible. If Senators do come to speak on amendments, I will stop talking and give them the floor. But for the time being, I would like to say a few words about Federal student loans.

President Obama said the other day, in what I thought was a very perceptive comment, that he understood the health care debate and all its intensity is a proxy for a larger debate, and that is about the role of government in our society. What I and many Republicans believe and, I think, many Independents and Democrats, as well, in the State of Tennessee, and I suspect across the country—is that we have suddenly seen too many taxes, too much spending, too much debt, and too many Washington takeovers. The President says, and he is correct to an extent with this, that some of these Washington takeovers were not his fault, were not his doing. I suppose he would say that about some of the bank takeovers and the insurance company takeovers. I am not so sure about the takeover of the automobile companies or the takeover of the farm bonds or the proposal to take over health care. But here is a voluntary takeover that is absolutely unnecessary, is unwise, and the American people should pay attention to this.

This goes to the center of what the President said. If health care is a proxy for a debate about the extent to which the American Government ought to be involved in our society, then the proposal by the President to take over the entire student loan program and move it from the private sector into the government is a perfect example of what we ought not to be doing.

Let me speak first to the dimensions of this program. The United States has the best system of higher education in the world. One of the greatest aspects of it, one of the greatest contributors to its quality, is that we have a generous amount of Federal dollars which permit about half or more of our students to either get a Federal grant, which we usually call Pell grants, or a Federal student loan which follows them to the institution of their choice. So unlike our elementary and secondary schools, your Pell grant—your grant going all of the way back to the GI bill in 1944—can follow you wherever you go. That choice and that competition and that money have helped to create not just some of the best colleges and universities in the world but virtually all of them. Most observers agree on that.

The higher education system today is 6,000 institutions. These are the universities of North Carolina and Tennessee. That is what we might think of first, but there are also community colleges,

the 2-year schools. There are also non-profit colleges. There are also the religious institutions—Notre Dame and Brigham Young and many others. So there are 6,000 institutions.

Last year, 4,400 of those 6,000 institutions used the regular student loan program. That is the one where you go to the bank, usually your community bank or local bank, and you get a student loan. And 1,600 schools, or about one-fourth, used the direct loan program, which was put in at the time I was Secretary of Education about 20 years ago, and you just go to the U.S. Department of Education and get your money. On the private side of it, which is what 3 out of 4 students choose, there are 2,000 lenders that participate in the program. This year, there are nearly 18 million loans to students and parents—18 million—and 14 million of them are in the regular student loan program, 4.5 million through the government. There was \$86 billion of loans made. So the regular student loan volume through the private lenders was about \$64 billion; the direct loan volume was \$22 billion.

So all in all outstanding, \$617 billion of volume for both programs, and the President has said we are going to take all of that and put it in the U.S. Department of Education. So what his proposal is, if you are one of the 14 million students today who are getting their student loans from their local banks, starting in January you are out of luck. You better line up outside the U.S. Department of Education with the other 19 million people who want a student loan and hope they can provide you with the same sort of service your community bank or lending institution or nonprofit organization in your area provides you today.

There is a lack of evidence to show that the U.S. Department of Education can do a better job of making loans than banks can. I used to work at the U.S. Department of Education. I was the Secretary. It is one of the smaller departments in government. The people there know a lot about education, but none of them really is running for banker of the year.

Arne Duncan is President Obama's Education Secretary. He is one of his best appointments. I would much prefer seeing him in Memphis working on charter schools or in Denver trying to find ways to pay outstanding teachers more or trying to help create a better system of colleges and universities or community colleges instead of trying to manage the problem of, how do I grant \$100 billion in new loans to 19 million people every single year? How do I replace 2,000 private lenders?

Let me give you an example of what a private lender might do. In Tennessee, we have EdSouth. This is a non-profit provider. Here is what they do. They had five regional outreach counselors to canvass Tennessee to provide college and career planning, financial aid training, college admissions assistance, and financial aid literacy. They

made 443 presentations at Tennessee schools through college fairs, guidance visits, and presentations. They worked with 12,000 Tennessee students to improve their understanding of the college admissions and financial aid process. They provided training to over 1,000 school counselors so those counselors could work better with their students. They distributed almost 1.5 million financial aid brochures to Tennessee students and families. Will the U.S. Department of Education start providing those services, or will the 19 million students who want student loans simply line up outside the U.S. Department of Education or one of its offices somewhere and apply for a loan? I think I know the answer to that question.

According to the Department of Education, it costs them about \$700 million a year to administer the loans they make today. That is for one-quarter of all the students. They estimate they can make those same loans to 19 million students at about the same amount of money. I doubt if that is true, which brings me to the point of the savings—the alleged savings of this program.

Senator GREGG and I—the Senator from New Hampshire, who is the former chairman of the Budget Committee, ranking member now—talked about the alleged savings in moving all of these loans from the lending institutions that make them to 19 million students today, to the U.S. Department of Education.

Senator GREGG received a letter from the Congressional Budget Office on July 27. I ask unanimous consent to have that letter printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 27, 2009.

Hon. JUDD GREGG,
Ranking Member, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR SENATOR: This letter responds to your request for an estimate of the change in federal costs, adjusted for the cost of market risk, that might result from enactment of the President's proposal to prohibit new federal guarantees of student loans and to replace those guarantees with direct loans made by the Department of Education The Federal Family Education Loan Program (FFELP) provides federal guarantees for loans made to students by private lenders and is the predominant source of loans for higher education; the Congressional Budget Office (CBO) projects that, under current law, guaranteed loans will account for 70 percent of all new direct and guaranteed student loans made over the next 10 years. Under the President's proposal, the Department of Education, through the William D. Ford Direct Loan Program, would provide federal support for student loans only by lending money directly to students.

In its July 24, 2009, cost estimate for H.R. 3221 (the Student Aid and Fiscal Responsibility Act of 2009, as approved by the House Committee on Education and Labor), which would incorporate the President's proposal, CBO estimated that replacing new guarantees of student loans with direct lending

would yield gross savings in federal direct (or mandatory) spending of about \$87 billion over the 2010–2019 period. (Mandatory spending is governed by existing provisions of law and does not require future appropriations.) About \$7 billion of those savings would represent a reduction in the administrative costs of the guaranteed loan program, which are recorded in the budget as mandatory spending. In contrast, most of the administrative costs for the direct loan program are funded in appropriation bills and recorded as discretionary spending. Thus, of the \$87 billion reduction in direct spending, roughly \$7 billion would be offset by an increase in future appropriations for administrative costs, for an estimated net reduction in federal costs from the President's proposal of about \$80 billion over the 2010–2019 period.

Those estimates follow the standard loan-valuation procedure called for in the Federal Credit Reform Act of 1990 (FCRA) The law specifies that the cost of federal loans and loan guarantees be estimated as the net present value of the federal government's cash flows, using the Treasury's borrowing rates to discount those flows; that calculation does not include administrative costs, which are recorded in the budget year by year on a cash basis (that is, undiscounted). The FCRA methodology, however, does not include the cost to the government stemming from the risk that the cash flows may be less than the amount projected (that is, that defaults could be higher than projected). CBO found that after accounting for the cost of such risk, as discussed below, the proposal to replace new guaranteed loans with direct loans would lead to estimated savings of about \$47 billion over the 2010–2019 period—about \$33 billion less than CBO's estimate under the standard credit reform treatment.

ESTIMATING SUBSIDY COSTS USING CREDIT REFORM PROCEDURES

To determine whether a proposal to change the federal student loan programs would lead to budgetary savings requires comparing the federal government's costs for the subsidies that the two programs provide. Those subsidy costs depend on the various cash flows of the direct loan and guaranteed loan programs, the interest rates used to discount those cash flows, and the programs' administrative costs.

FCRA calls for using a present-value subsidy concept—in what is otherwise a largely cash budget—to better compare the strikingly different patterns of federal cash flows under the two programs. In the direct student loan program, the federal government makes a large, one-time outlay for the amount of the loan (net of various fees) and then receives a stream of principal and interest payments over time. In the guaranteed student loan program, the federal government faces a more complicated set of payments. It does not disburse a principal amount (loans are disbursed by private lenders) but instead receives some up-front fees, makes a stream of subsidy payments (known as special-allowance payments) to lenders, partially compensates lenders for loans that go into default, and pays certain borrower benefits, in addition to various other receipts and payments.

FCRA facilitates the comparison of the budgetary effects of direct loans and loan guarantees by converting the net outlays for each program into a single lump-sum estimate of net costs (that is, the discounted present value of all cash flows). Those cash flows are discounted using the government's costs of borrowing—that is, the interest rates it pays on Treasury securities of comparable maturities. The resulting subsidy estimate is recorded in the federal budget in

the year of a loan's disbursement. Subsidies computed under FCRA do not include the government's costs for administering the loans; those administrative costs are recorded separately, on a cash basis.

Under the FCRA accounting rules, the guaranteed loan and direct loan programs have very different subsidy rates, and thus different budgetary costs, even though the programs result in very similar loans to borrowers. CBO estimates that over the 2010–2019 period, the subsidy cost for each dollar of a guaranteed loan will exceed the subsidy cost for each dollar of a direct loan by between 10 cents and 20 cents. Generally, in CBO's estimation, the direct loan program will have a negative subsidy rate (that is, the net receipts to the government on a present-value basis are projected to be greater than its disbursements), whereas the guaranteed loan program will have a positive subsidy rate (that is, a net cost on a present-value basis). The difference in subsidy rates under FCRA for direct and guaranteed loans occurs primarily because of certain payments made for the latter—in particular, interest payments made on behalf of borrowers for subsidized loans and special-allowance payments to lenders. The latter are made by the government to lenders in the guaranteed loan program to ensure that they receive a specified interest rate on their student lending. The difference in the programs' subsidy rates led to CBO's estimate that under the procedures specified in FCRA, enactment of the President's proposal (as included in H.R. 3221) would yield net budgetary savings of approximately \$80 billion (representing \$87 billion in mandatory savings and \$7 billion in discretionary costs) over the 2010–2019 period.

ADJUSTING FOR RISK

The full value of the subsidy provided by the government's student loan programs depends on what students would have to pay to obtain loans in the private market without federal support. That cost depends on the riskiness of the loans. Estimates of subsidies that are made using the techniques specified by FCRA do not provide a comprehensive picture of the costs of loan programs, mainly because they do not fully account for the riskiness of the loans. That methodology, which uses yields on Treasury securities as discount rates, tends to understate the subsidy provided under each program; but it generally understates the subsidy costs of the direct loan program to a greater degree than it does those of the guaranteed loan program. Alternative estimates of the value of the programs' subsidies that might better reflect the costs they represent for the government would incorporate the estimated cost of the market risk that taxpayers bear through such lending—a cost analogous to the higher returns that private investors expect for making risky investments.

When conditions in the financial markets are relatively benign, as CBO assumes will be the case after the first few years of the 2010–2019 projection period, the private sector's pricing of student loans that do not carry a federal guarantee suggests that the cost of raising capital for such loans will be 2 to 3 percentage points more per year than the interest that the government pays on Treasury securities with comparable maturities. That difference reflects the risk involved in extending long-term, unsecured credit to an individual consumer; participants in private-sector loan markets generally demand a higher rate of return for bearing that risk. (Put differently, the cost of capital for the firms that make such loans will be higher than the rates on Treasury securities.) A private entity that issued or insured student loans would recognize that higher cost of capital by discounting its expected cash

flows from the loans at that higher rate. (A private entity would also approach administrative costs somewhat differently, but administrative costs account for little of the difference between the costs of the direct and guaranteed loan programs.)

Applying a set of risk-adjusted discount rates to the cash flows from the government's student loans would raise the subsidy rates for both student loan programs, but the rate for the direct loan program would increase by more than the rate for the guaranteed loan program because of differences in the timing and riskiness of the estimated cash flows. CBO estimates that if projected savings for the President's proposal were calculated using risk-adjusted discount rates, those savings would be \$47 billion over the 2010–2019 period—a difference of \$33 billion relative to CBO's cost estimate for H.R. 3221 issued on July 24.

Although the use of subsidy rates that have been adjusted for the cost of risk generally improves the ability to compare the costs of financial programs, the approach does raise some concerns. As the recent financial turmoil has shown, risky assets, including student loans, can fluctuate wildly in value. Those fluctuations can lead to large changes in market-based estimates of subsidy rates for student loans from one year to the next. Quite similar assets may trade at widely divergent values for reasons that are difficult to establish. Nevertheless, CBO believes that risk-adjusted subsidy rates provide useful information about the cost of federal programs in terms of the value of the economic resources that are devoted to those programs. The Congress adopted the approach of incorporating the cost of market risk into budget estimates for the 2009 enactment of the Troubled Asset Relief Program (TARP). That approach requires that the costs of assets purchased under the program be estimated using a present-value approach that, except for its requirement of an adjustment for the cost of market risk, is similar to the way loans and loan guarantees are evaluated under the Federal Credit Reform Act.

I hope this information is helpful. If you have further questions, we would be happy to address them. The CBO staff contact for this analysis is Sam Papenfuss.

Sincerely,

DOUGLAS W. ELMENDORF,

Director.

Mr. ALEXANDER. Senator GREGG basically asked: Is it true that if we stop making loans through private and nonprofit lenders whereby the Federal Government guarantees the loans and pays a regulated subsidy to the lender—if we stop that and start making all of them through the government directly, will we save \$87 billion? And the short answer—if you want the long answer, the letter is available—the short answer is no, you do not save \$87 billion; you are likely to realize \$47 billion in savings over the next 10 years.

Then, in addition to that, we have to deduct for the—I see the Senator from Oklahoma. Is he ready to speak on his amendments?

Mr. COBURN. In a moment after we are set up.

Mr. ALEXANDER. I will be through in about 4 or 5 minutes. I welcome him and look forward to his comments.

Instead of saving \$87 billion, we save \$47 billion. Then we have to deduct the administrative costs. Remember, instead of making some of the loans, the

Department of Education is going to make 19 million loans. The Department estimates it might cost it \$7 billion over the 10 years to do that. Others think it might cost \$30 billion. So the real savings—the real savings are either \$47 billion or more like \$20 billion or \$23 billion in savings over 10 years.

In order to do that, of course, we are going to have to raise the Federal debt. We are going to have to borrow \$1 billion a year for the next 5 years. So at a time when we are concerned that we are adding \$9 trillion to the debt over the next 10 years, we are going to add another half trillion over 5 years so we can make student loans instead of doing it through private institutions.

Here is the real clincher. When you press and say: In order to make these loans, what is the real reason you think you can do this if the savings aren't really \$87 billion but they are more like \$47 billion or more like \$23 billion over 10 years?

They say: Well, the real reason is the government can borrow money cheaper than the private banks can.

That is true. The government can borrow money at a quarter of a percentage point, and then it loans it to the students at 6.8 percentage points.

Well, my first point would be that I don't think the government ought to be making a profit by overcharging students for their student loans and then turn around and take credit for starting new programs. What the government is actually going to be doing is charging a student who has a job and is trying to get a student loan—is going to say: OK, we are going to borrow the money at one-quarter of 1 percent and loan it to you at 6.8, and then we are going to take that money and pay for your Pell grant or pay for someone else's Pell grant.

In other words, they are going to overcharge the student to make the Congressman look good. That is what we are doing. We are going out and announcing all of these programs. So we are spending \$87 billion, when it is really between \$23 and \$47 billion—that is the amount we really have—and we make that money by overcharging the students.

At the very least, if we are going to take all of these loans into the government, we ought to reduce the interest rate so we don't overcharge the students.

I see the Senator from Oklahoma. I am going to defer to him and welcome him to the floor. But I hope, as we think about the issue the President so accurately described—he said: The health care debate is really a proxy for the role of government in our society. He is exactly right about that. And while some of the Washington takeovers may not have been avoidable at the beginning of the year, there is no reason in the world why Washington should take over 19 million student loans, eliminate 2,000 lenders, stop students on 6,000 campuses from having a choice in competition, and say: The

government is the best banker in America; line up outside the Department of Education, all 19 million of you, in January and get your student loan.

So I am thinking of introducing an amendment that is called a truth-in-lending amendment if this legislation were to pass, and it would say to every one of the 19 million students: Truth in lending—beware. Your government is overcharging you so your Congressman and your Senator can take credit for starting a new program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wanted to spend a few minutes—I guess I would inquire of the chairman and ranking member, we are not allowing amendments to be brought up at this time; is that correct?

Mrs. FEINSTEIN. That is correct, through the Chair. There is a disagreement with the Senator from Louisiana and there is a hold on anything coming before this body.

Mr. COBURN. I have germane amendments, most of which will be germane postcloture.

Mrs. FEINSTEIN. The Senator can certainly talk about his amendments.

Mr. COBURN. We cannot call them up and make them pending.

Mrs. FEINSTEIN. That is correct.

Mr. COBURN. I thank the Chair.

I wanted to spend a little time talking about the appropriations process before I speak on the amendments. I have seven amendments, maybe eight. All are commonsense amendments. Most people in America would agree with them.

But this first chart I am showing shows that what we are doing this year is, out of every dollar the Federal Government spends, we are borrowing 43 cents against our kids, against our grandkids. That is even true in this bill. This bill we have before us—a large portion of the money to pay for this Interior appropriations bill is going to come from our children.

So one of the things you say is, well, what is the inflation out there in terms of what are the costs that are actually increasing and how do we compare to what everyone else is facing in terms of spending based on increased costs? And in 2008, 2009, during that fiscal year, we actually had a minus three-tenths of 1 percent inflation. That is called deflation. And so far this year, we have had 1.6 percent, and it is probably going to go lower than that when we see the end of the fiscal year. So let's say 1.6 percent is the cost we are seeing in terms of inflation this year.

Well, one of the first bills we passed was the Legislative Branch appropriations bill, and when we had a minus three-tenths of 1 percent increase, we increased our expenses in the Congress by 10.88 percent. This year, we have already passed the bill, and we increased it three times what the rate of inflation is. So just even in our own budget,

running our own offices, running the Congress, we are increasing what we spend three times faster than the rate of inflation.

If we look at the Homeland Security appropriations—all these numbers, by the way, don't include the billions of dollars each of these agencies received with the stimulus package—from 2008 to 2009, Homeland Security was increased 9.97 percent. That is a number of infinity in terms of inflation because we had no inflation. So a 9.97-percent increase, almost 10 percent, as compared to no inflation, we grew the government in this area. This year what we have passed already is another 7.22 percent growth, despite tens of billions of dollars going to the Department of Homeland Security with the stimulus package.

Then we had the Agriculture appropriations bill. For the 2008–2009 fiscal year, we increased it 13 percent. This year we are increasing it 12.68 percent. At this rate, we will double the size of Homeland Security and the Agriculture Department in 4.75 years, if we take the multiple of this, if we continue at this rate. The Transportation–HUD appropriations, which we passed last week, 13.31 percent in the 2008–2009 fiscal year. This year we have 22 percent we have increased it, fully 15 times more than inflation. And in transportation, the costs have actually gone down in terms of what it costs to build a road or to repair a bridge because of the economy.

Then we have this bill. Last year we increased Interior 4.13 percent. Now we are increasing it again 16.28 percent. Does anybody out there have anything on which they are seeing those kinds of increases in income in America? Remember, 43 percent of this is borrowed from our children's futures.

To sum up, look at what we have done so far. Legislative branch, increased 4.75 percent; Homeland Security, 7.2; Energy and Water, 1.41—we actually did one that is at inflation—Agriculture, 12.68; Transportation and HUD, 22.54; Interior, 16.28—all the time when we have an inflation rate of 1.6 percent. What is going on? The American people ought to be highly concerned with the appropriations bills flowing through here. It is all borrowed money. All the increases are borrowed against our children and grandchildren.

Here is what we have done so far in the Senate. There is no question the Interior bill will pass. The appropriators will make sure of that. They have their earmarks in it. Whether they claim to be a fiscal conservative or not doesn't matter. They will vote for the bill to protect their earmarks. We can see what kind of growth we are experiencing in the last 2 years in this country in expanding the size of the Federal Government. These aren't small increases. They are gigantic. Nothing in the 8 years preceding this came anywhere close to it. We have this ballooning Federal Government that at the rate we are going this year will

double in less than 5 years. The size of the Federal Government, if we continue this trend, will double in the next 5 years.

That doesn't count a health care bill that will add another 150,000 Federal employees and another \$1 trillion of expenditure. We ought to be worried about our future. We ought to be paying attention to what the Chinese are saying, the biggest purchaser of our bonds and bills: You are spending too much money.

They are right. They are absolutely right.

How is it, in a time of economic decline and almost nonexistent inflation, we can justify rates of increase that will double the size of the Federal Government in 5 years? I don't understand that. I don't believe 80 or 90 percent of the American people understand that, unless they are not paying any taxes and don't care. But their grandchildren will care.

Let me translate what will happen. What is going to happen with this kind of explosive government growth, with an almost \$12 trillion debt we have now that will double in the next 5 years and triple in the next 10 years, according to the budget plan passed by those on the other side of the aisle, is that our children and grandchildren will see a standard of living 30 percent below what we have today. That is the consequence of borrowing 43 percent of everything we do. Interest rates are not always going to be as low as they are. In 2013, this government is going to pay over \$1 trillion in interest costs per year. That is \$1 trillion we are taking from the American people that is not going to help anybody. It is just going to offset this terrible precedent we are setting on spending. We can't afford it. If we want the dollar to sink and we want inflation to come roaring back, all we have to do is keep doing what we are doing.

Then the value of our homes, the value of retirements, although already hit by the decline, will erode even further. We cannot create wealth by trying to borrow our way out of trouble.

What I see, as I look at my five grandchildren, is we are acting totally irresponsibly. There is no other thing we could do to describe what we are going to do. Yet tomorrow, when we get into cloture on this bill and we finally pass the bill, what are we going to do? We are going to mortgage the future of this country.

Let me explain. That means stealing hope, the propensity to think about tomorrow being better, when, in fact, we, the Members of Congress, have ensured it will not be. We are taking away the hard-earned assets, not only through taxes but through inflation, of the American worker. We have a real problem in front of us. We have an irresponsible Appropriations Committee that continues to send bills out that are growing the government at a rate that is absolutely unsustainable.

What is the answer? The answer is to ask Congress to start making hard

choices. Just like every other family is doing out there today, make the hard choice of prioritizing. What is most important? What is next most important? What is superfluous? What is not absolutely necessary now that we want to steal from our grandchildren to be able to have today? The heritage of this country, the thing that created American exceptionalism, the thing that built the most powerful, most successful economic model in the history of the world was a heritage of one generation saying: We will sacrifice to create opportunity for the next generation. These bills and this one, in particular, abandon that heritage. What we are saying is: We want for us now, and we don't care about our children and grandchildren. These are indisputable numbers. These are CBO numbers. At a minimum, this is what we are going to do. At a maximum, it is going to be much worse.

Next year we are going to borrow more than 43 percent. We are going to approach 50 percent of everything we spend based on the budget plan. We are going to have another \$1.6 trillion deficit. That is Washington accounting, Enron accounting. The real deficit, when we take all the money stolen from all the trust funds, will put it closer to \$1.9 trillion. Do the math: 300 million people into \$1.9 trillion; we are spending \$6,000 more for every man, woman, and child than we are taking in.

I carry with me, based on last year's numbers, what the Federal Government does per family, per household. The year that ends this month, we will spend \$34,000 of your money—not counting the States, not counting municipalities—\$34,000 per household through Federal Government programs; 43 percent of which, which comes out to about \$15,000 per household, is borrowed. We will spend \$9,000 on Medicare and Social Security; \$5,800 on defense; antipoverty programs, almost \$5,000; this year per family \$1,210; in 3 years, \$850 per family. Federal employee retirement benefits per family, you are paying \$1,000 per family for Federal employees' generous retirement benefits. We are paying \$800 for veterans benefits. For regulation and research, we are paying \$700 per family. For highways, we are paying \$500 per family; for justice administration, \$452; and for unemployment benefits, \$900 per family.

If we total all that—all the others count \$1,361 per family—we come up with \$33,800 per family. That is going to be \$40,000 next year per family that comes through the Federal Government, of which almost 50 percent will be borrowed.

We can't continue to do what this bill purports to do. It is not only unconscionable that we would not make the tough choices, and the reason we don't make the tough choices is politicians don't want to offend anybody. It is not only unconscionable that we will not make the tough choices; what we

are doing is immoral. We are stealing opportunity. We are stealing the potential American dream of our children and grandchildren because we are going to shackle them with a debt they cannot get out of.

I delivered babies for a living before I came up here. I have delivered thousands of babies. When I deliver a baby now, it is a mixed blessing. It is a wonderful thing to see that new life come into the world, to look at the parents' faces, to see the glow and to think about all their hopes and dreams for that young child. But the downside is, if you are born today, you have the responsibility to pay off the interest of over \$480,000 of expenditures that are coming that we haven't provided the revenues for.

Now, think about your grandchildren and your children. Do you really want to load them down with that kind of number? Just paying the interest—if interest is 5 percent—you are talking about they have to make up \$20,000, at least, before they are even just carrying the debt service on that kind of load.

We are destroying this country through the lack of discipline and the cowardice of not making the hard choices that need to be made right now—not tomorrow, not next week, right now.

For us to bring a bill to the Senate floor that increases the Interior spending by 16 percent, in a time when we have 1.6 percent inflation, and to not make the hard choices about priorities and getting it to where we do not spend any more right now so we start creating that hope of opportunity for our next generations, I do not understand.

I walk off this floor and beat my head against the wall because I do not think the Senate gets it. They do not understand what the average family is doing today in terms of making these hard choices. They are making the hard choices at home, only to see us not make the hard choices, and to offset the tremendous difficulties you have in making those hard choices by making sure your kids are going to have to make even tougher ones.

Even when the economy turns around, this does not go away. America is the longest surviving Republic in the history of the world. If we look at the history of the republics—all of them that have ever been created—what happened to them? They all collapsed. Do you know why they collapsed? Some of them were defeated externally, but the reason they were defeated externally is because they became a fiscal mess, much like we are, and they all ultimately collapsed over the lack of fiscal discipline and limiting the size of the government's take in terms of the size of the economy.

It is projected that in America, in 10 years—if things keep going the way they are—the Federal Government will consume 40 percent of our GDP. When it gets to 50 percent, we are over, we are gone. What we have today is a situ-

ation that is not irreversible. But all prophetic indications would say, if we keep doing this, it is going to be irreversible.

I know those are tough things, but let me tell you how Senators think. Senators think in the short term because it seems too often the most important thing is getting to the next election. So we do the short-term, expedient things that make us look good to a group of people in one State by sacrificing the greater good of the country.

What is needed today in America is people with long-term visionary thought, combined with the courage to lose an election to do what is best for the American public in the long run. What is best is for us to get back to the roots and our oath that is outlined in the Constitution of the United States.

This bill strays a long way from that, and my amendments will show some of that. We no longer have a limited Federal Government. We have an overly expansive Federal Government. It is not going to be long when we will not need States because the Federal Government is going to be involved in everything and telling the States what to do on everything anyway—and there comes the collapse of our Republic.

These are just little warning symptoms that say we do not have our eye on the ball, that we have our eye on the wrong ball, that we do not believe in the oath we took to honor the Constitution and its prescribed method of maintaining a limited Federal Government, with everything else, as depicted in the 10th amendment, left and reserved for the States and the people of this country.

When we are growing the Department of Interior by 16 percent, what we are doing is abandoning that. There is no justification. If you read this appropriations bill and the report that goes along with it—if the American people were to read it, they would throw up. They would throw up at the lack of priorities. They would throw up at the tremendous parochialism that says we put our State ahead of our country. They would throw up at the waste, and they would throw up at the earmarks. They would be literally sick.

So we find ourselves with multiple appropriations bills that are inexcusable, given the situation we find ourselves in, and, more importantly, the sacrifices that American families are having to make now in their own budgets. But, more importantly, it is inexcusable to steal the hope and future from the next two generations, and this bill does that, and so do the rest of them.

We are stealing. We are selfish. We are saying: I would rather be reelected to the Senate than do what is best for America. I would rather protect my parochial interests than do what is better for America. I would rather not have to make the hard choices of eliminating some things that are not a priority rather than do what is in the best long-term vision for this country.

It is discouraging. It is disappointing. The only way it changes is if the American people demand that it start changing. There should not be 10 votes for this bill, but it will get 60 or 70 because there is no backbone. There is no backbone to do the right, best thing for the country, even if it costs us. Serving your country means sacrificing. Service without sacrifice is not service at all. If it is not costing you something, you are not doing anything, and we shun the responsibility of doing the best and the right thing for America.

Let me talk for a minute, if I may, about the amendments I have. I will preview those amendments and will not spend a lot more of the chairman's and ranking member's time. I have a total of seven amendments—actually eight. Let me talk about them since I cannot call them up.

One amendment is on transparency. My friend, President Obama, wants us to be a transparent government. Throughout this bill are tons of reports that you, as American citizens, will never get to see. As a matter of fact, I will not even get to see them because they are directed only to the Appropriations Committee. What is that all about? As a Member of the Senate I cannot see reports that are committed by this bill in terms of reporting back from agencies. Yet only the Appropriations Committee can see them? More importantly, you cannot see them to be able to hold us accountable to see whether we are doing our job? So one of the amendments just says, if there are reports required, and they do not compromise national security interests, everybody in America ought to get to see them.

In the last appropriations bill that amendment was accepted. But I will tell you what will happen to it. They will take it out in conference. They will say: Oh, it did not make it through conference. The American people cannot see this. They will not come out and say it. I will have to publicize it. But they will deny the ability for you to see the very reports they are asking for in this bill.

There is an earmark in this bill for a building less than two blocks from here called the Sewall-Belmont House. That house is used for a multitude of things. They have \$4 million cash in the bank right now, and we are going to give them another \$1 million. They have money in the bank, but we are going to give it to them anyway. Mostly what happens over there is fundraisers for Members of Congress, for which they charge \$5,000 to use. They make money. Yet we have decided we are going to give them \$1 million. Tell me that is a priority right now in this country.

So what we do is we take that \$1 million and send that \$1 million to the National Park Service because right now we have an \$11 billion backlog in our national parks, and they are falling down. But we refuse to fund them because we are doing things like this.

There is another amendment I have. We now have a conflict between agen-

cies where the Fish and Wildlife Service and the Department of Interior will not allow Homeland Security to protect our southern border because they are afraid it will mess up the environment. So what we have done is we have said protecting wilderness areas is more important than protecting our border.

This amendment says none of the funds in this bill can be used to prohibit or impede the Department of Homeland Security from protecting us on the southern border. Yet it is happening every day. We have testimony. We have internal documents that show the Department of Interior is limiting the ability of Homeland Security to protect our southern border. It makes sense that we should not do that. We should protect the environment, but we will not have that environment if we do not protect our southern border.

What we do know is, those areas where our Border Patrol cannot get to are where all the infiltration is coming today. It is where the drug trafficking is coming today. It is where multiple, multiple people are being raped by the people who are transporting illegal aliens through those wilderness and fish and wildlife areas.

So what this amendment says is, you cannot use money in the Department of Interior to preclude Homeland Security and the Border Patrol from doing their job, which is to protect us from the illegal transport of people and drugs and weapons into this country.

I have another amendment. We want to try to become more energy independent. We have all the renewable we are trying to do—whether it is wind or solar—yet the Department of the Interior is blocking the ability to create the transmission lines from where we have renewable sources. They will not allow the transmission lines to go across those areas. We want to get off foreign oil. We want to decrease our carbon use. Now we have started to develop alternative, renewable sources, and we have an agency that is blocking the ability to get that power to us. It makes no sense.

We can do that in an environmentally friendly way. So we cannot allow the Department of the Interior to block that and the ultra-environmentalists, who say they want us to have renewable energy but, by the way, they do not want us to be able to use it. So we will develop it and not have a way to use it.

There is several hundred million dollars in this bill to be used for the Federal Government to acquire more land. The Federal Government owns about 35 percent of all the land in the country today, but we cannot take care of the land we have. I mentioned earlier the backlog at the national parks. The National Mall has a backlog. The Statue of Liberty has a \$600 million backlog. Some of our biggest and best parks—the Grand Canyon, Mount Rushmore, several others—have hundreds of millions of dollars in backlog.

All the national park backlog grew \$400 million last year. In other words, we are letting what we have crumble as we go and spend almost \$360 million more on buying more land. This amendment says: Do not buy the land. Put the money in fixing our national parks, bringing them up. They are falling down. We actually have testimony where we are putting visitors at risk because our maintenance backlog is so great.

Third from the last is an amendment to require a report so we know what we actually own. We don't know what we own. The last time we had any estimate it was of 658 million acres and that was 2005. Nobody has done anything to know what we own, prioritize what we own, or say what is important. What do we need to protect the most? What do we need to get the backlogs straight on? How do we manage what we own? You can't manage what you own if you don't know what you own. All it does is require a report on the total land owned by the Federal Government and the cost to maintain the land so we can make coherent judgments about how to make priorities of what is important and what is not. This appropriations bill shoots from the hip, because they don't have the facts with which to make the decisions on how to prioritize.

Finally, we have this idea of national heritage areas. We now have four times more than was ever authorized in the original bill. What happens is we create a national heritage area and pretty soon you are out there on your farm or in your neighborhood and because it is a national heritage declaration, we fund special interest groups that come in to lobby to make sure what happens to your land is what they want to happen, not what you want to happen with your land. So what we say with this amendment is if we are going to create a national heritage area, all the landowners ought to be notified. If they want to be included in that, allow them to opt in. Allow them to choose to be in the national heritage area. But if they don't want to be, their property rights ought to be secure. So what we say is allow them to decide whether they want in or out and they have to opt in if they want in.

Our Bill of Rights guarantees our right to our property, an unfettered right. The national heritage areas destroy that and allow groups with an interest that is funded by the Federal Government—you didn't get any of the money—to come in and have the power and the money to lobby to change the restrictions and land codes against your will. Most people who have found themselves in a heritage area don't know it until they get ready to do something with their own land and find out that: Oh, my goodness, the Federal Government has caused somebody to change my ability to do what I want to do with my land. I am not talking crazy; I am talking responsible action by a landowner. So what we are doing

is denying a fundamental right guaranteed under the Bill of Rights as we create all of these heritage areas.

It is fine if you want to be in one, but if you don't want to be in one, you ought to have the ability to not be in it and it shouldn't be assumed you are in it because we in Washington say you should. You ought to be able to say you should and you ought to have the knowledge with which to make that decision. That is called real transparency. That is called protecting freedom. That is called letting people be responsible for their property rather than us mandating from Washington what will and won't happen with our property.

Then, finally, an amendment I offer on every appropriations bill. It comes from what President Obama said he wanted to do, and that is to mandate competitive bidding on everything we buy—no more well-connected, well-heeled inside deals but competitively bid so that the American taxpayers truly get value for the dollars they are sending here and, even more importantly, the 43 percent our kids are going to be paying for, that they get value. Since we are borrowing their money, we are borrowing their future, at least when we borrow it, we ought to—and we are going to do misguided priorities and we are going to overspend and we are going to grow the government and double it in the next 5 years—the least we could do is to get real value when we go to spend your money and your kids' money.

As my colleagues can see, I am not a very big fan of this bill. As a matter of fact, I am not a big fan of any of the appropriations bills, because the whole premise under which they operate is: Here is what we had last year and we are going to start from there, without ever looking at: Here are how many billions we are spending and is it being spent properly? Is there great oversight? No, there is not. There is terrible oversight. Is there duplication? We don't even care; we don't even look. We don't make the hard choices that the next two generations need us to make.

The most powerful committee in the Senate and the most powerful committee in the House is the Appropriations Committee, and \$400 billion of your money will be appropriated this year that is not even authorized. The appropriators don't even pay attention to the authorizing language because they are going to appropriate \$400 billion of things that aren't authorized. So then we have this parliamentary rule that says you can't legislate on an appropriations bill. Yet they legislate all the time by funding things that have never been authorized or have expired authorizations for spending. So we can eliminate \$400 billion tomorrow by following the rules of the Senate and the rules of the Constitution, but we play the game and people come to kiss the rings, to get what they want at home, to look good at home. Con-

sequently, we are extorted to pay with a vote for a bill that is like this one—this big 16.28 percent increase—so we can look good at home.

I want to tell my colleagues the American people are waking up. There is a rumble out there like I have never seen. It is a rumble I have been praying for. This country needs to be taken back by the people. This country needs to hold the Members of this body absolutely accountable. The only way that happens is if the citizens stay informed.

I will end with this. There was a President named Ronald Reagan. My little 3-year-old daughter at the time called him President Raisin because she couldn't say Reagan. He said one of the most profound things I have ever heard said. He said: Freedom is a precious thing. It is not ours by inheritance. It is never guaranteed to us. It has to be fought for and defended by each and every generation.

I am telling you in the last 20 years, our generations haven't come up to defend it. He wasn't talking about our military; he was talking about us being well informed citizens, holding us accountable, creating the pressure for us to be transparent so that you can, in fact, know and count on us doing the right, best thing every time and that we put ourselves second and the country first. That is what he was talking about.

The rumble that is occurring in this country can't come soon enough or big enough to change both the Senate and the Congress. It is not partisan. It is sick on both sides of the aisle. What we need is a real revolt against the status quo and an engagement and an enlistment by the average American to speak out, to come out and hold us accountable to do what is best for the generations that follow and cause us to reembrace what built this country, which is a heritage of sacrifice today to create opportunity for the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The Senate is on H.R. 2996.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 18 minutes.

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

FINANCIAL MARKET INNOVATION

Mr. KAUFMAN. Mr. President, Wall Street has undergone a radical transformation in recent years. We saw the rise of high-frequency trading where buy and sell orders move in milli-

seconds. We saw the emergence of so-called dark pools which permit confidential trading in growing volumes to take place away from the public eye. We now see some trading firms' computer servers enjoying the advantage of onsite location, a practice known as colocation. We have seen the creation of flash orders which allow certain traders to see orders before anyone else. There have been new developments in payments for order flow, a practice that permits market centers to pay a broker to route a trade its way. These and myriad other practices, almost too complicated to describe, have fundamentally changed how our markets operate. We now have a high-tech, profit-driven arms race, which continues to escalate every day, that has transformed the ways and the places and the speeds in which stocks and other securities are traded.

There are at least two questions that must be posed—questions we must look to the markets' regulators to answer. First, have these opaque, complex, increasingly sophisticated trading mechanisms been beneficial for retail investors, helping them to buy at the lowest possible price and sell at the highest price with the lowest possible transaction costs or have they left them as second-class investors, pushed aside by powerful trading companies able to take advantage of small but statistically and financially significant advantages? And second, do these high-tech practices and their ballooning daily volumes pose a systemic risk? To take just one example, is anyone examining the leverage these traders use in committing their capital in such huge daily volumes? What do we really know about the cumulative effect of all these changes on the stability of our capital markets?

The proponents of these technological developments tell us this transformation has benefited all investors. But how can we know—truly, how can we know that—when so much of the market is opaque to the public and to the regulators? How can we be confident when the measurement and enforcement techniques used by regulators for ensuring best execution seem stuck in the past and when so many trade in milliseconds across fragmented markets to take advantage of so-called market latencies? And why should we assume it all operates in the public interest when these changes have not been fully analyzed, individually or collectively, to determine and protect the interests of long-term investors?

That is why, on August 21, I wrote to SEC Chairman Mary Schapiro calling for “a comprehensive, independent, ‘zero-based regulatory review’ of a broad range of market structure issues, analyzing the current market structure from the ground up before piecemeal changes built on the current structure increase the potential for execution unfairness.” I told her then that “we need a thorough review . . .

so that our laws and regulations can keep pace with market developments.” In a written response to me on September 10, Chairman Schapiro announced that not only was the SEC reviewing dark pools and flash orders, studies it had begun earlier this year, but that it would broaden its review to include regulation ATS threshold levels, direct market access, high-frequency trading, and colocation, which I explained earlier.

Adding action to these words, last week the SEC unanimously approved a proposal to ban the use of flash orders in our financial markets. Flash orders undermine the credibility of our markets by giving a select group of market participants a sneak peek at stock quotes. As Chairman Schapiro noted, “Flash orders provide a momentary head start in the trading arena that can produce inequities in the market.” I applaud the SEC for this action. The proposal must be put out for public comment which the SEC will review before making a final decision.

I am hopeful that last week’s action was a true beginning. Banning flash orders is only a small, though significant—very significant—step in the review of recent market developments.

Accordingly, I was also very pleased last week to hear Chairman Schapiro, the Commissioners, and the SEC staff voice their support not just for a flash order ban but also for the need for a comprehensive, ground-up review at the Commission of current market structure issues.

Chairman Schapiro asserted last Thursday that “other market practices may have . . . opaque features” and that she expects the Commission to “consider initiatives in the near future” that address “forms of dark trading that lack market transparency.”

James Brigagliano, Co-Acting Director, Division of Trading and Markets, added:

I want to emphasize that today’s recommended proposal is a first step in an ongoing review of market structure issues. The securities markets have experienced extraordinary changes over the last few years in trading technology and practices. Some of these changes have led to serious concerns about whether the regulatory structure remains up to date. The division is examining a wide range of market structure issues, including certain practices with respect to undisplayed or “dark trading interests” in addition to flash orders that are the subject of today’s proposal. We anticipate making additional recommendations to the Commission in the coming months for proposals to address discreet issues, such as flash orders, that warrant prompt attention. There is also a spectrum of broader market issues and practices that affect the interests of investors and need to be examined closely.

I cannot tell you how pleased I am to hear that the Commission is taking the review seriously. I say bravo to the SEC. The agency tasked with upholding the integrity of our markets should actively review the rapid technological developments of the past few years and analyze their costs and benefits to long-term investors.

Eugene Ludwig, former Comptroller of the Currency, recently reminded us that each of the financial crises of the past 25 years—the collapse of the savings and loan industry, the Internet stock bust a decade later, and last year’s credit market meltdown—was the result of inadequate regulation.

Another former regulator, Brooksley Born, a former Chairman of the CFTC, warned us of the opaqueness of the derivatives markets at a time when they were becoming big enough to cause trouble. Earlier this year, she recalled her warnings:

I was very concerned about the dark nature of these markets.

And further:

I didn’t think we knew enough about them. I was concerned about the lack of transparency and the lack of any tools for enforcement and the lack of prohibitions against fraud and manipulation.

Unfortunately, history proved Brooksley Born right—unchecked, unexamined innovation severely weakened our markets and, as we all know, ultimately led to our financial disaster. Sometimes small, apparently technical innovations in our vast and complicated financial system can generate great benefits for all, and other times they can generate disastrous unintended consequences.

It is also fair to say that well-intentioned regulation in a complex market can also have unintended consequences. That is why we need regulators on the job, undertaking a thoughtful and reasoned analysis so we can have a clear view of where innovations may be taking us and whether wise regulations can help curb abuses. Regulators must keep pace with the latest market developments, and we in Congress must give regulators the tools they need to observe and stay abreast of the sophisticated financial players they are charged with regulating. I say that again. We in the Congress must give regulators the tools they need to observe and stay abreast of the sophisticated financial players they are charged with regulating.

Three examples from the current debate are especially illustrative of this need: colocation of servers at the exchanges, flash orders, and direct market access.

When the exchanges first began to permit traders to place computers on-site, giving these traders a few microseconds’ advantage, the SEC did not insist on regulatory approval. The Commission simply let it occur. There was no active consideration then, as I have called for now, of the means by which fair access can be preserved.

The same is true for flash orders. In May, the SEC permitted the NASDAQ and BATS exchanges to introduce flash-order offerings even though both admitted that the practice was of dubious value and that they simply were being driven to adopt it by the loss of market share to competitors. Both exchanges later reversed those decisions voluntarily, which is commendable,

but let’s not forget that this was a telling example of rote, piecemeal review by the SEC staff applying outdated floor-based precedents to electronic-age developments.

Direct market access is another practice that deserves closer examination. Such agreements allow high-frequency traders to use their broker’s market participant identification to interact directly with market centers. In order to maximize speed of execution, many sponsored access participants may neglect important pretrade credit and compliance checks that ensure faulty algorithms cannot send out erroneous trades.

According to John Jacobs, chief operations officer at Lime Brokerage, this risk is quite significant. He says:

At 1,000 shares per order and an average price of \$20 per share, \$2.4 billion of improper trades could be executed in this short timeframe . . . The next long term capital meltdown would happen in a five-minute time period.

When did direct access begin, and has the SEC ever considered its ramifications from a comprehensive standpoint?

Some are now saying that colocation and flash orders are very old-fashioned concepts and perhaps colocation, for its part, will ultimately be practiced better in the automated environment than it has been on the floors. I am sure some old hands can tell hair-raising stories about the old days and floor space out of the Chicago pits.

But that is the point: Colocation and flash are two of many transformational changes this decade that have been considered piecemeal and only in the context of existing policies. Like direct access, these changes may have been found equal or even superior to their floor-based antecedents, but in an automated age these changes need to be subjected to a holistic analysis of their collective impact on the markets and our regulatory infrastructure.

The same is true for high-frequency trading, dark pools, payment for order flow, liquidity rebates, and other market structure issues.

The rapid rise of high-frequency trading and dark execution venues has quite simply left our regulatory agencies playing catch-up. High-frequency traders can execute over 1,000 trades in a single second. Let me say that again—1,000 trades in a single second. According to the TAB Group, these traders are now responsible for over 70 percent of all daily U.S. equity trades—70 percent; that is 7-0 percent.

We are learning more about high-frequency trading every day. According to one industry expert:

Most high-frequency shops have huge volumes but few transactions. About 95 to 97 percent of trades are orders sent and canceled.

What does all this mean for the long-term investor? Trading is not only faster, it is also quickly becoming less transparent. Twelve percent of trades are now conducted in dark pools, compared to less than 1 percent 6 years

ago, and substantial percentages of trades are internalized at broker-dealers, never reaching a public exchange.

Maybe in the old days there were block trades happening in the dark too. I don't doubt it. But many commentators have raised concerns about whether the darkening trends today truly threaten to undermine public price discovery. The strength of a free market is in its public display of price quotes to all market participants.

These recent developments quite simply need to be better understood.

Yet still, after all the disasters, the billions of dollars lost, the homes foreclosed, the jobs lost—after all the pain that has been caused across this country—some on Wall Street reject even the notion of regulatory scrutiny.

They become defensive about the politicization of the process when Congress asks basic questions. They say Congress and the media can never understand high-frequency trading. They point to the benefits of high-frequency trading—narrowed spreads, added liquidity, and faster executions—and ask everyone to trust there will be no side effects, no unintended consequences. Some still argue that the market operates best without any regulation; that changes in market structure are the natural consequence of the innovative and competition and there is nothing good to be gained from regulators or Congress studying possible sources of inequity.

To their credit, not everyone on Wall Street has reacted this way. Others have said that now is the right time for a comprehensive review of market structure developments. These Wall Street leaders—true leaders—acknowledge there are indeed many valid questions being raised about dark pools, payment for order flow, other market innovations, and enforcement of best execution.

Indeed, some high-frequency traders have said they welcome a regulatory examination of high-frequency trading because they are confident high-frequency trading will pass the test with flying colors. That is the correct attitude. We need a regulatory review with Wall Street's cooperation.

It is in the nature of our financial markets to push the envelope, to take on more and more risk, and to exploit any crack in the wall when there are profits to be won. There is nothing wrong with this. But to have a full accounting, we also need to add up the costs to the long-term investor, to financial stability, to innocent bystanders of each new generation of innovation.

In years past, without a sufficient regulatory presence, an aura of invincibility developed at many financial institutions. We failed to ask questions, we failed to ensure regulators were on the field with the tools they need to do their jobs, and the results are clear: Millions of Americans have lost their jobs, their homes, and their savings. We must not repeat that mistake. We

must be sure that when financial markets push the envelope, take on more and more risk, and exploit any crack in the wall, they are monitored and regulated to assure it is in the public good.

It is time for Congress and the regulators to ask questions and for Wall Street to step forward responsibly and answer them with the data to back up those answers. We cannot simply react to problems after they have occurred. We need the information and resources to identify problems before they arise and stop them in their tracks.

Our goal is not to stop high-frequency trading. We don't want to slow it down. Liquidity, innovation, and competition are critical components of our financial markets. But at the same time, we cannot allow liquidity to trump fairness, and we cannot permit the need for speed to blind us to the potentially devastating risks inherent in effectively unregulated transactions.

We cannot forget that fair and transparent markets are the cornerstones of our American system. As I have said before, fairness in the financial markets may be an elusive and ever-evolving concept, but it must be defined and then vigorously defended by our regulators. The credibility of the markets and investor confidence simply demand that regulators be ever watchful, sophisticated, and tough against those who would breach the rules.

I am not demanding an immediate, wide-ranging regulatory overhaul. I will not place symbolic action over prudent investigation. That would be impulsive and irresponsible. But it is only prudent, given the risks of the past, that I will not allow potentially risky market practices to go on unexamined. I will ask questions and strive to improve my understanding of these opaque market practices and, if necessary, push appropriate reforms. I am very pleased the SEC has agreed to do the same.

If we fail to learn from past mistakes, we can be sure history will repeat itself.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the time until 4:15 p.m. be for debate with respect to the Vitter motion to recommit and McCaskill amendment No. 2514, with the time divided as follows: 5 minutes each, Senators FEINSTEIN, ALEXANDER, VITTER, and MCCASKILL or their designees, with no amendments in order to the motion or the amendment prior to the vote in relation thereto; that prior to the second vote there be 2 minutes of debate, equally divided and controlled; that once this consent

is granted, the majority manager be recognized to call up the McCaskill amendment; further, that the votes occur in the order listed.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. No objection.

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

AMENDMENT NO. 2514

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2514.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mrs. MCCASKILL, proposes an amendment numbered 2514.

Mrs. FEINSTEIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the earmarks for the Save America's Treasure program and to provide criteria for the distribution of grants under that program)

On page 135, line 2, before the period at the end, insert the following: “, of which, notwithstanding the chart under the heading ‘Save America's Treasures’ on page 30 of Senate Report 111-38, the entire amount shall be distributed by the Secretary of the Interior in the form of competitive grants on the basis of the following criteria: (1) the collection or historic property must be nationally significant; (2) the collection or historic property must be threatened or endangered; (3) the application must document the urgent preservation or conservation need; (4) projects must substantially mitigate the threat and must have a clear public benefit; (5) the project must be feasible; and (6) the application must document adequately the required non-Federal match”.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment proposed by the distinguished Senator from Missouri, Mrs. MCCASKILL. This amendment would eliminate 16 congressionally directed spending items in the National Park Service's Save America's Treasures Program. I would like to say what these are: in Alabama, Swayne Hall, Talladega; in California, Mission Santa Barbara, Santa Barbara; in Florida, Freedom Tower, Miami; Iowa, Des Moines Art Center, Des Moines; Kansas, Colonial Fox Theater, Pittsburgh; Michigan, Big Sable Light-house, Luddington; Madison County Courthouse, Mississippi; Mississippi, Medgar Evers site, Jackson; Nevada, the Lincoln County Courthouse, Pioche; New York, the Strand Theater, Plattsburgh; New York, the Richard Olmstead Complex, Buffalo; Oregon,

the Wallowa County Courthouse, Enterprise; Rhode Island, the Warwick City Hall, Warwick; the State Theater, Sioux Falls, SD; the Blount Mansion, Knoxville, TN, and the Capitol Theater, Wheeling, WV.

Those are the 16 that would be eliminated.

The underlying argument is that this bill continues business as usual when it comes to earmarking funds, and this is hardly the case. The Senate leadership and the chairman and ranking member of the Appropriations Committee have built on the reforms established by the last Congress when it comes to congressionally directed spending. To offer more opportunity for public scrutiny of Member requests, Members are now required to post detailed information concerning their earmark requests on their official Web sites at the time the request is made. Each Senator must explain the purpose of the earmark and why it is a valuable use of taxpayer funds.

A list of every congressionally directed spending item in this bill has been on the Internet for public scrutiny since June 17, 2009, when it was first marked up by the Interior Subcommittee. For every congressionally directed spending item contained in this bill, the Senator has certified that he or she or his or her immediate family has no financial interest in the item requested. These letters of certification are available to the public on the Internet.

These reforms are not the status quo. They represent significant improvements in the transparency and accountability for the spending decisions contained in the various appropriations measures being brought before this body.

Let me now explain the process used to evaluate these specific Save America's Treasures earmarks. As Senator ALEXANDER and I have reviewed each of the 128 funding requests the Interior Subcommittee has received, we applied the same criteria that has been applied for the past 10 years and that has been codified in the program's authorization. When we did that, only 16 projects passed muster.

For example, if the project received funding in the past it was ineligible for a grant this year. If the project was a building and the building was not listed on the National Register of Historic Places, then it was ineligible for a grant this year. If the local authorities did not have the required one-to-one matching funding in hand, then it was ineligible for a grant this year.

Then, even if the project cleared those hurdles, we still set aside those requests that were not considered the highest priority by the requesting Members.

When that process was complete, what we ended up with were the 16 very good and credible projects that I have just read. So I urge a "no" vote on the McCaskill amendment.

Mr. President, I move to table the amendment.

The PRESIDING OFFICER (Mr. BURRIS). The motion will be in order at the appropriate time.

Who yields time?

Mrs. FEINSTEIN. Mr. President, I believe there is a time agreement so I cannot move to table at this time. I withdraw my motion to table.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time during the quorum call be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MOTION TO RECOMMIT WITH AMENDMENT NO. 2508

Mrs. FEINSTEIN. Mr. President, it is my understanding that there is 2 minutes equally divided on the Vitter motion to recommit. I ask unanimous consent to speak for 1½ minutes on the amendment.

Mr. VITTER. Reserving the right to object, I ask unanimous consent to have equal time on the amendment.

Mrs. FEINSTEIN. I have no objection to equal time.

Mr. VITTER. I have no objection to the modified request.

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

Mrs. FEINSTEIN. Mr. President, I oppose this motion to recommit because it would prevent the Obama administration from presenting its oil and gas development plan in favor of a draft plan issued by the Bush administration on its last business day in office. The amendment would overturn Interior Secretary Salazar's decision to extend the public comment period over a 5-year plan for oil and gas development on the Outer Continental Shelf by 180 days. The amendment would make the last-minute Bush draft binding. The Bush plan only allowed for a 60-day deadline for public comment. That is not enough time. The Interior Department received 350,000 public comments during the extended comment period. The Department should not be prevented from studying these comments and proposing the best plan it can.

In addition, there is currently insufficient data on available resources for the Atlantic seaboard where the Bush plan would extend drilling.

We should not make decisions to sell off taxpayer resources based on old information.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, of course, nothing in my amendment prevents the Interior Department from reading all those comments, from di-

gesting them. My amendment is simple and straightforward. It says: Remember last summer where almost all of America said this is ridiculous, drill here, drill now, let's use our own resources and not be held captive to foreign interests. Remember that. My amendment is about whether we listen to that or whether we will ignore it. Right now this administration and this Interior Department have pledged to ignore that and have pledged to forestall and put off the OCS development plan previously developed that is on the books and about to move forward. This question is simple: Did we listen to the American people when they spoke so loudly, so clearly, or is Congress going to ignore the clear will of the American people yet again?

Mrs. FEINSTEIN. Mr. President, I move to table the motion to recommit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to table the motion to recommit.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—56

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

NAYS—42

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

NOT VOTING—1

Byrd

The motion to table was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2514

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided between each side to discuss the McCaskill amendment No. 2514.

Who yields time? The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, this amendment is a very small step. It restores a competitive grant program—a small competitive grant program. Over the last decade, competitive and formula grant programs have been decimated by earmarking. Earmarks have become more transparent under reforms that have been made, and that is great. Is the process still fair? No, probably not. The lion's share of the earmarks in this bill, in this program, and in all of the appropriations bills go to the very few Members who serve on one committee. This will allow us to put this money back into a competitive process so all the States in the Nation have an equal opportunity to participate.

Thank you, Mr. President.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, regrettably, I wish to speak against the amendment. There has been a rigorous vetting process of these projects. We looked at 128 requests. Only 16 of those passed muster. Earlier, I outlined the criteria which were strictly observed in selecting these projects. I outlined what the projects are. We applied the same criteria that is in the law. These are all excellent projects. I urge my colleagues to support the committee bill and oppose this amendment.

I move to table the McCaskill amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—72

Akaka	Cochran	Kerry
Alexander	Collins	Klobuchar
Baucus	Conrad	Kohl
Begich	Dodd	Landrieu
Bennet	Dorgan	Lautenberg
Bennett	Durbin	LeMieux
Bingaman	Feinstein	Leahy
Bond	Franken	Levin
Boxer	Gillibrand	Lieberman
Brown	Graham	Lincoln
Brownback	Gregg	Lugar
Burris	Hagan	McConnell
Cantwell	Harkin	Menendez
Cardin	Hatch	Merkley
Carper	Inouye	Mikulski
Casey	Johnson	Murkowski

Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Roberts
Rockefeller

Sanders
Schumer
Shaheen
Shelby
Snowe
Specter
Stabenow
Tester

Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—26

Barrasso
Bayh
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
Crapo

DeMint
Ensign
Enzi
Feingold
Grassley
Hutchinson
Inhofe
Isakson
Johanns

Kaufman
Kyl
McCain
McCaskill
Risch
Sessions
Thune
Vitter

NOT VOTING—1

Byrd

The motion was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, it is my understanding that we have to vacate the Chamber at 5:30 p.m. so the room can be swept for the ceremony. I know Senator ENSIGN wishes to speak. I have stated to him that he could speak, so I would like to have the floor open to him to speak for the remaining time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, tomorrow, from what I understand, I will have a motion to recommit this bill with instructions that hopefully will be part of the unanimous consent agreement. Let me describe exactly what my motion to recommit says.

Last week, I did a similar motion to recommit on the T-HUD appropriations bill because that bill was dramatically increased. And this week's appropriations bill on Interior has yet another huge increase. In 2008 to 2009, the increase was 4 percent. This year, the increase is 16.28 percent.

Every local government, State government, probably almost everyone in the United States is cutting their budgets. Almost every business is cutting its budget. Most households in America are cutting their budgets because of these difficult economic times. But what do we do in Washington, DC? We print money and we dramatically increase spending.

The National Taxpayers Union has agreed with me, and they are asking the Senate to vote "YES" on my motion to recommit, which I will be offering tomorrow. They are saying we need to have fiscal discipline at this time. And we just cannot keep running up spending around here. That is what we are doing.

If we look at each one of the appropriations bills so far this year, Legislative Branch, last year was an 11-percent increase, this year it is about a 5-

percent increase; Homeland Security, almost 10-percent last year, and it is going up by 7 percent this year; Energy and Water had the smallest increase; Agriculture had about a 13-percent increase last year and about the same percentage increase this year; T-HUD, Transportation and Housing and Urban Development appropriations, had a 13-percent increase last year and almost a 23-percent increase this year; and, of course, the bill we have before us now, which is Interior, a 4-percent increase last year, and over a 16-percent increase this year.

By the way, here is the inflation rate. Last year was negative inflation. This year, there is almost no inflation. Yet around here we keep running up our deficits.

So far this year we have \$1.56 trillion in deficits. This says it pretty well: 43 percent of every dollar we are spending this year is deficit spending. We are borrowing from future generations so we can give us what we want, so we can get reelected, so we can go back home and pass out the goodies. That is what a lot of these appropriations bills are—they are passing out the goodies, they are increasing spending on the backs of future generations.

When are we going to get serious in this body about fiscal restraint? The other side of the aisle criticized us during the last 7–8 years for spending too much money. In some regards, they were right. But compared to what they are doing right now, we were fiscal conservatives by a large degree. What they are doing is dramatically raising Federal spending.

The problem with this increase we have before us today in this spending bill, over 16 percent, is if we keep these kinds of spending increases up, it will double the spending within 5 to 6 years. What happens this year is we spend more money. That gets put in the baseline budget for next year, so any increase next year is on top of the increase this year. And so each year is increased and increased and then increased some more. We never seem to go backward or reduce spending in this body. We only go higher and higher as far as spending levels are concerned. It seems there is no limit to our appetite for spending around here.

The American people have woken up. And I am actually the most encouraged I have been, I think, in my entire political career, watching people getting involved, hearing from them from all over my State of Nevada, and seeing them all over the country getting involved, saying: It is time that we think about the greater good in America; that we do not think about pet projects or pet programs or any of these massive spending increases. It is time we show fiscal responsibility and we start getting back to what the Framers of our Constitution envisioned when they saw a limited Federal Government, not this expansive Federal Government.

Tomorrow, when we vote, I urge hope this Chamber will say: Now is the time

that we are going to start showing some fiscal restraint. We are going to say: Yes, we will tighten our belts. We will snug it up a little bit. We will make some of the tougher votes. We will say NO to some of the special interest groups around the country that come to our offices every year for more and more money. Let's make priorities. Let's look at things that are working and some that are not. Let's take the money away from the ones that are not and reduce the deficit. That is what we need to be thinking about in this body.

I hope my words do not fall on deaf ears. I hope people in this body will actually start thinking about future generations instead of just thinking about their favorite projects that they want to fund and their special interest groups to whom they want to pay attention.

Mr. President, I have concluded my remarks. I yield the floor.

Mr. BEGICH. Mr. President, I rise to speak about 3 amendments. The first provides funding of an environmental impact statement important to the future of residents of my State.

On March 30, 2009, the President signed the Omnibus Public Lands Act, Public Law 111-11. That bill enacted many important conservation provisions including the first major new wilderness areas in many years.

That bill also provides a path for a major land exchange in Alaska which would lead to the designation of the first new wilderness in Alaska in a generation. A part of the act directs the Secretary of Interior, through the U.S. Fish and Wildlife Service, to perform an environmental analysis and then for the Secretary to determine if the land exchange tentatively approved in the Omnibus Public Lands Act should be executed.

My amendment provides necessary funding, in the amount of \$1 million, for the EIS which this Congress has ordered. Because the bill was only enacted in March, there was no time for the regular budget process to take into account the requirements of this important study.

The Fish and Wildlife Service is also seeking funding in the fiscal year 2010 budget process, but Alaskans have waited long enough for resolution on this issue. Not only is the land exchange critical to provide key new wilderness and refuge additions, it is the path for a group of my Alaska Native constituents, 800 residents of the village of King Cove, to get safe access to the Cold Bay Airport.

Because this issue was debated in the Halls of Congress for a number of years, I will not go into great detail here. In short, however you feel about this land exchange, whether you favor the interests of the indigenous people with roots in the area going back 4,000 years or more or if you do not approve of the land exchange and the road corridor it facilitates, the people of King Cove deserve the answer that the government has promised them.

They suffer from some of the worst weather on the planet. Anytime of the year, residents with emergency medical needs can risk their lives either flying over or crossing Cold Bay to get to Alaska's third largest airport at Cold Bay, AK. Over the last 20 years, a number of my constituents have been killed trying to make this trip. The only safe alternative is a road.

The land exchange to be studied is of monumental importance. It provides 61,723 acres of new wilderness and refuge lands for a mere 206 acres to be used as a road corridor.

Ultimately, the decision on whether this exchange is to be executed rests with Secretary Salazar after completion of the EIS. All my amendment does is fund that EIS and keep the Congress's promise to the Aleut residents of King Cove that this process will move forward expeditiously.

Mr. President, I have drafted this amendment so it will have no budget impact. It will not add new spending. Instead, it provides that funding should come from the overall bill. This should not be subject to any budget point of order.

The next amendment would allow the Chugach National Forest, in the Alaska region of the U.S. Forest Service, to retain receipts from a proposed sale of gravel and other minerals further development of a popular hiking and tourism enhancement program.

It has become a tired cliché to say that we should run government like a business. But in the best sense of the phrase we imply that, like the private sector, we should reward individual management decisions that creatively solve problems and make good use of limited resources. The amendment in front of you does just that.

The National Forest System is based on a theory of managing for multiple uses. The gravel resource at Spencer Mountain is sought after commodity for building projects around Southcentral Alaska and can be easily developed and sent to market via the Alaska Railroad. This amendment proposes to allow the Chugach National Forest System to retain the revenue from that gravel operation to enhance the wildly popular Chugach Whistle Stop Project, a joint initiative of the Forest Service and the Alaska Railroad.

The Whistle Stop Partnership uses efficient self-propelled railcars called DMUs—diesel multiple unit—to transport smaller groups of passengers to track side destinations developed by the Chugach National Forest. These destinations include hiking trails, picnic grounds, rental cabins and no-fee campgrounds, and guided rafting and canoeing operations run by private outfitters.

Begun in 2007, the program has proved overwhelming popular and provides unique and appropriate access to backcountry destinations, allowing residents and tourist alike to enjoy remote parts of the Chugach National

Forest. When complete, the experience will allow hut-to-hut hiking and other personalized recreational opportunities. The estimated remaining cost to complete the project is \$13 million. This includes an additional self-propelled rail car, 4 additional Whistle Stop locations, 30 miles of trail with associated bridges, 6 public-use cabins, and 24 backcountry campsites.

Despite the combination of mineral resource development and tourism promotion into one project, the Whistle Stop Project and this budget request have no significant opposition. At a time when the tourism industry in Alaska is suffering a 25-percent drop in visitors, this project would immediately provide an important, if targeted, shot in the arm.

Mr. President, I ask for your assistance in rewarding good management, allowing residents and visitors to enjoy the Alaska backcountry, and promoting an important industry in Alaska.

The third amendment provides full and adequate funding for the subsistence management budget for the Alaska region of the U.S. Forest Service.

The United States settled its lands claims agreement with the Native people of Alaska with the passing of the Alaska Native Claims Settlement Act, ANCSA, by Congress in 1971. Through ANCSA, Congress promised Alaska Natives that they would retain their right to subsistence harvest of the fish and game in Alaska. Congress made good on that promise through title VIII of the 1980 Alaska National Interest Lands Conservation Act, ANILCA. Title VIII provides rural Alaskan residents a subsistence priority to harvest fish and wildlife on Federal lands over sport and commercial uses.

That Federal statute is now in direct conflict with the Alaska State Constitution, which does not allow a priority based on residency. As a result, the Federal Government assumed responsibility for subsistence management on Federal public lands in 1990 and expanded its responsibility to federally reserved navigable waters in 1999. Federal subsistence is a joint effort of the Departments of the Interior and Agriculture, with management on National Forest System lands the responsibility of the Forest Service.

Three main aspects of the Federal program are regulatory, law enforcement and education, and information gathering. The regulatory program includes establishing the basic rules for fish and wildlife harvest and seasonal and in-season adjustments to address immediate conservation issues. Information gathering includes the fish and wildlife monitoring necessary for regulatory purposes. This generally consists of stock assessments that are often contracted out to local groups, primarily Alaska tribal organizations. The final general category is law enforcement and education to make subsistence hunters and fishers aware of the regulations and enforce them.

In fiscal year 2009, the Alaska Region Forest Service funding level for subsistence management activities in the two largest forests in the National Forest System—the 17 million acre Tongass National Forest—an area roughly the size of West Virginia—and the 5.6 million acre Chugach National Forest—totaled \$5 million. The current bill before you would only fund half this amount, \$2,582,000.

The need has not suddenly changed, and I hope Congress has not suddenly forgotten its obligation to the Alaska Native people. I can only hope that the fiscal year 2010 amount resulted from the innocent ignorance of an incoming administration about the obligation the Federal Government has to the Alaska Native people.

Subsistence hunting, fishing, and gathering is about more than simple economics. It is about the survival of a way of life and identity of Alaska's Native peoples. However, its economic importance is central to rural Alaska life and cannot be overstated. Rural Alaska residents harvest approximately 44 million pounds of fish and wildlife for food, the replacement value of which is \$220 million.

Subsistence is a major source of employment and sustenance for families in rural Alaska; subsistence participants work to feed and clothe their families. Wild foods supply one-third of the caloric requirements of rural Alaskans, in many remote communities it can total 75 percent or more.

One in every five Alaskans lives in a rural area, about 125,000 people in more than 250 communities. Most rural settlements are off the road network and are comprised of fewer than 500 people, the majority made up of Native villages. In a State where approximately 15 percent of the population is Alaska Native, nearly half of all rural Alaskans are Alaska Native.

Of subsistence foods taken by Alaskans, 60 percent of the catch is made up of fish, land mammals make up 20 percent, marine mammals make up 14 percent, birds, shellfish, plants, and berries make up the remaining 6 percent of the rural harvest of wild food.

Mr. President, I ask for your assistance in helping the Federal Government honor its commitment to the Alaska Native people and fully fund the Alaska Region Forest Service subsistence management budget.

MORNING BUSINESS

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

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

TRIBUTE TO VIVIA MOTSINGER

Mr. REID. Mr. President, I rise today to honor a good friend, Vivian Motsinger, on the recent celebration of

her 90th birthday. A longtime resident of Washington, DC, Vivian's 90 years may best be characterized by her incredible work ethic, as well as her undying devotion to public service.

Vivian Motsinger was born the daughter of a shipbuilder in Portsmouth, VA, on September 20, 1919. Years later, Vivian's father moved the family to our Nation's Capital in order to work in the construction of government buildings. She went to school at Roosevelt High, where she graduated in 1935 at the age of 16. Tragically, 2 years later her father died, making teenaged Vivian the only breadwinner in her family. Grateful to have the aid of Social Security to supplement her meager earning power, Vivian started out her career working hard to assist her mother and younger sister.

Vivian's professional career saw her begin as a clerk at a naval gun factory during WWII. Later, she found employment as a stenographer and an administrative assistant at the U.S. Department of State. Mrs. Motsinger's final position, before she retired, was that of a Foreign Service worker. She is very proud of the accomplishments that she has made and grateful for her years of service to the Federal Government.

Vivian has been blessed with a loving family. She married a remarkable husband, who worked as an officer for the Central Intelligence Agency, and raised a son who is now employed by NASA. She loves her church, the Church of Jesus Christ of Latter Day Saints, and is proud to have become a member some 34 years ago. She has spent her years of retirement studying her heritage, a hobby which has driven her to become avidly involved with genealogy and research.

With her optimism and strong work ethic, Vivian represents the spirit of America. Despite challenging circumstances, she has achieved great things. I congratulate Vivian Motsinger on this her 90th birthday.

GOLD STAR MOTHER'S DAY

Mr. DURBIN. Mr. President, this Sunday marks Gold Star Mother's Day, a day for us to honor the mothers of servicemembers lost while serving in our Armed Forces.

This Sunday, the last Sunday in September, is a day that is part of a larger Gold Star tradition, one that brings together all family members who have lost a son or daughter in uniform.

The gold star has its roots in World War I, when families would display in the windows of their homes a blue star for every family member who was serving and a gold star for every family member who had died in the war. In 1936, Congress established the last Sunday in September as Gold Star Mother's Day.

America has been home to hundreds of thousands of Gold Star Mothers, each of whom has lost a child. They often choose to become part of an organization of other Gold Star Mothers,

one that—in the words of one mother—“none of us ever wanted to become eligible to join but we are grateful to have.” It is a testament to their strength that so many continue to volunteer and to remember, long after they learn of their own loss.

On Sunday, the American people are encouraged to display our flag and also to hold meetings to publicly express the love, sorrow, and reverence we have for Gold Star Mothers.

Gold Star Mothers from across the country will visit our Nation's capital, to remember. They will visit the Vietnam Veterans Memorial Wall, a short distance from this place, where many will lay wreaths for their sons or daughters. They will travel to Arlington National Cemetery and view the Tomb of the Unknown Soldier.

In Illinois, Gold Star Mothers will be recognized in ways big and small, from the Governor's annual ceremony in Chicago, to a barbeque held in their honor at the Middle East Conflicts Wall Memorial in Marseilles, IL, to commemorations in townhalls and on radio shows.

Gold Star Mothers affect every community in this country. Their presence is another reminder that in the Senate, the vote for war is among the most significant votes a Senator will ever take.

I hope all Americans will take a moment out of their day this Sunday to honor Gold Star Mothers, their families, and their children who died while serving our country.

PUBLIC OPTION LITE

Mr. KYL. Mr. President, a September 17, 2009, editorial in the Wall Street Journal, “Public Option Lite,” clearly and concisely describes how the Finance Committee chairman's health care plan would result in a near total government takeover of the health care industry.

Because it does not include the public option, the chairman's plan has been touted as a more moderate proposal than other bills before Congress. But, as the Journal writes, the absence of the public option “is a political offering without much policy difference. His plan remains a public option by other means.”

Near total government control would be achieved through the bill's two main mechanisms: an individual mandate for all Americans to purchase government-approved insurance and the regulatory insurance “exchange.” The inevitable outcomes of these mechanisms would be “vast new insurance regulation” and “a vast increase in the government's share of U.S. health spending, forcing doctors, hospitals, insurance companies, and other health providers to serve politics, as well as, or even over and above patients.” Thus, power would be centralized with politicians and bureaucrats, rather than patients and doctors.

Along the way, as the editorial points out, the bill would increase the

cost of insurance through new taxes and mandates, reduce consumer choice, and ultimately ration health care in an attempt to keep costs under control.

The editorial also explains that most of the Medicare cuts used to help pay for this plan “come from supposedly automatic cuts that a future Congress is unlikely to ever approve, that is, until this entitlement spending swamps the entire federal budget.” Then, “The government will have no choice but to raise taxes to European welfare-state levels or impose drastic restrictions on patient care. Or likely, both.”

The article concludes that this plan is “a recipe to ruin healthcare” and “bankrupt the country.”

I ask unanimous consent to have this article printed in the RECORD and urge my colleagues to consider the facts and arguments contained in this editorial.

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

[The Wall Street Journal, Sept. 17, 2009]

PUBLIC OPTION LITE

Senate Finance Chairman Max Baucus finally unveiled his health-care plan yesterday to a chorus of bipartisan jeers. The reaction is surprising given that President Obama all but endorsed the outlines of the Baucus plan last week. But the hoots are only going to grow louder as more people read what he's actually proposing.

The headline is that Mr. Baucus has dropped the unpopular “public option,” but this is a political offering without much policy difference. His plan remains a public option by other means, imposing vast new national insurance regulation, huge new subsidies to pay for the higher insurance costs this regulation will require and all financed by new taxes and penalties on businesses, individuals and health-care providers. Other than that, Hippocrates, the plan does no harm.

The centerpiece of the Obama-Baucus plan is a decree that everyone purchase heavily regulated insurance policies or else pay a penalty. This government mandate would require huge subsidies as well as brute force to get anywhere near the goal of universal coverage. The inevitable result would be a vast increase in the government's share of U.S. health spending, forcing doctors, hospitals, insurance companies and other health providers to serve politics as well as or even over and above patients.

The plan essentially rewrites all insurance contracts, including those offered by businesses to their workers. Benefits and premiums must be tailored to federal specifications. First-dollar coverage would be mandated for many services, and cost-sharing between businesses and employees would be sharply reduced, though this is one policy that might reduce health spending by giving consumers more skin in the game. Nor would insurance be allowed to bear any relation to risk. Inevitably, costs would continue to climb.

Everyone would be forced to buy these government-approved policies, whether or not they suit their needs or budget. Families would face tax penalties as high as \$3,800 a year for not complying, singles \$950. As one resident of Massachusetts where Mitt Romney imposed an individual mandate in 2006 put it in a Journal story yesterday, this is like taxing the homeless for not buying a mansion.

The political irony here is rich. If liberal health-care reform is going to make people

better off, why does it require “a very harsh, stiff penalty” to make everyone buy it? That's what Senator Obama called it in his Presidential campaign when he opposed the individual mandate supported by Hillary Clinton. He correctly argued then that many people were uninsured not because they didn't want coverage but because it was too expensive. The nearby mailer to Ohio primary voters gives the flavor of Mr. Obama's attacks.

And the Baucus-Obama plan will only make insurance even more expensive. Employers will be required to offer “qualified coverage” to their workers (or pay another “free rider” penalty) and workers will be required to accept it, paying for it in lower wages. The vast majority of households already confront the same tradeoff today, except Congress will now declare that there's only one right answer.

The subsidies in the Baucus plan go to people without a job-based plan and who earn under three times the federal poverty level, or about \$66,000 for a family of four. Yet according to a Congressional Budget Office analysis we've seen, the plan isn't much of an improvement over the current market.

Take a family of four making \$42,000 in 2016. While government would subsidize 80% of their premium and pay \$1,500 to offset cost-sharing, they'd still pay \$6,000 a year or 14.3% of their total income. A family making \$54,000 could still pay 18.1% of their income, while an individual earning \$26,500 would be on the hook for 15.5%, and one earning \$32,400 for 17.3%. So lower-income workers would still be forced to devote huge portions of their salaries to expensive policies that they may not want or be able to afford.

Other Democrats want to make the subsidies even bigger, but Mr. Baucus told reporters on Monday that, “We're doing our very best to make an insurance requirement as affordable as we possibly can, recognizing that we're trying to get this bill under \$900 billion total.” Another way of putting this is that he is hiding the real cost of his bill by pinching pennies to meet a less politically toxic overall spending number. In that sense, the House health bill which clocked in at \$1.042 trillion because it was more generous upfront was more honest, though not by much.

Like the House bill, Mr. Baucus uses 10 years of taxes to fund about seven years of spending. Some \$215 billion is scrounged up by imposing a 35% excise tax on insurance companies for plans valued at more than \$21,000 for families and \$8,000 for individuals. This levy would merely be added to the insurers' “administrative load” and passed down to all consumers in higher prices. Ditto for the \$59 billion that Mr. Baucus would raise by taxing the likes of clinical laboratories and drug and device makers.

Mr. Baucus also wants to cut \$409 billion from Medicare, according to CBO, though the only money that is certain to see the budget ax is \$123 billion from the Medicare Advantage program. Liberal Democrats hate Advantage because it gives 10.2 million seniors private options. The other “savings” come from supposedly automatic cuts that a future Congress is unlikely to ever approve that is, until this entitlement spending swamps the federal budget. Then the government will have no choice but to raise taxes to European welfare-state levels or impose drastic restrictions on patient care. Or, most likely, both.

To sum up, the Baucus-Obama plan would increase the cost of insurance and then force people to buy it, requiring subsidies. Those subsidies would be paid for by taxes that make health care and thus insurance even more expensive, requiring even more subsidies and still higher taxes. It's a recipe to

ruin health care and bankrupt the country, and that's even before liberal Democrats see Mr. Baucus and raise him, and then attempt to ram it all through the Senate.

HONORING OUR ARMED FORCES

SERGEANT WILLIAM CAHIR

Mr. LIEBERMAN. Mr. President, I rise to honor the exceptional life and service of SGT William Cahir of Alexandria, VA, who died last month while serving with the Fourth Civil Affairs Group in Afghanistan's Helmand Province. Sergeant Cahir was a patriot, wholly committed to the values and principles of the United States. We will remember Bill Cahir for his courage, his generosity of spirit, and his commitment to the very best ideals of this country.

In the last 8 years since 9/11, our homeland has not been attacked. For this, we owe deep gratitude to brave men and women like Sergeant Bill Cahir who made the heroic commitment to defend our liberty and security. In the aftermath of the horrific attacks of September 11, 2001, Sgt. Cahir left his job as a journalist and enlisted in the U.S. Marine Corps Reserve. At 34 years old, he was certainly not the youngest reserve officer, but he ranked among the most skilled and effective. I would like to include in the record a tribute to Sergeant Cahir written by Dan Gerstein who worked with me here in the Senate for years; Dan's piece eloquently captures the tremendous service, character, and spirit of Bill Cahir.

By all accounts, Sergeant Bill Cahir was a talented and loyal member of the Marine Corps. His fellow marines remember him as a man who would have risked his life for anyone on their team and did on countless occasions. His positive attitude and commitment to the challenging job at hand inspired his colleagues, even in the most difficult of circumstances. Bill Cahir was, without question, a force for good in the country that he loved.

Sergeant Cahir served two tours in Iraq during some of the most challenging periods of the war for U.S. forces. He was one among those brave men and women who took part in the “surge” strategy in Anbar Province in 2007. It was the courage and skill of marines like Sergeant Cahir that helped transform the security situation in Iraq and put the U.S. mission there on the track toward success.

Each day, countless Americans offer their service so that we might enjoy freedom and security. It is our duty to remain dedicated to the causes for which men and women like Sergeant Cahir have given their last full measure of devotion—the cause of freedom, the cause of security, and the cause of victory in our necessary war against terror.

We have lost a true patriot and a great American, but his life and service will never fade from our memory. My condolences and prayers are with Sergeant Cahir's wife, Rene Browne, and the entire Cahir family.

A REAL PATRIOT ACT

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the article titled "A Real Patriot Act" by Dan Gerstein be printed in the RECORD.

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

[From Forbes.com, Aug. 19, 2009]

DANGEROUS THOUGHTS—A REAL PATRIOT ACT
(By Dan Gerstein)

In this hothouse season of health care hollering, the most popular rallying cry seems to be "Read the bill!" But I would suggest that every politician—and, really, every American—would be better off taking a break from the accusations and acrimony of the moment to read about Bill. That would be Marine Corps Sgt. Bill Cahir, who was killed in action in Afghanistan last week, and whose immense sense of service stands out as a one-man antidote to the cynicism and selfishness that pervades our politics.

You almost have to read Bill's story to believe it. The son of two civic-minded parents from outside State College, Pa., Bill went to Washington right out of college to work on Capitol Hill (where I met him about a dozen years ago). When the partisanship and shallowness became too much to bear, he opted for another form of public service, taking a job as a reporter covering his home region of Pennsylvania from D.C. But after the terrorist attacks of Sept. 11, 2001, something gnawed at him. He did not feel right sitting on the sidelines. His country had been attacked, as one friend told me, and he felt the overriding need to do something about it.

So after a long internal struggle over how to heed this calling, and fairly soon after meeting the woman he would marry, Bill Cahir, at age 34, joined the Marine Corps Reserves.

"We all thought he was crazy," said another friend. So did the Corps commanders. They were so incredulous that a 34-year-old reporter would give up his cushy life for a sure ticket to Iraq that they made him take a psychological test to prove he was of sound mind. His drill instructors at Parris Island were equally suspicious. They thought he was there to write an exposé, or that he might have a hero complex. So they punished him with special fervor, trying to break him. But they misjudged Bill.

"People kept asking him, 'You know what you're doing, right?'" one of the friends I interviewed said. "But he knew exactly what he was doing. He knew he was going to Iraq. He not only knew it, he embraced it."

And the Marines who served with Bill on his two tours in Iraq, including a highly dangerous stretch in Fallujah and the Anbar province as part of the "surge" strategy, embraced him in return. None of them questioned his motives (or that he once worked for Ted Kennedy).

"All I know [is] that he loved his Marines and we loved him," said Jason Brezler, Bill's team commander in Fallujah in 2006 and 2007. "I'm sure you've heard the whole notion that it isn't necessarily the U.S. flag that calls Marines to duty, but the love for their fellow Marines. I know that he would have risked life and limb for any of us on the team, because I watched him do it on countless occasions. And I know that the relationship was reciprocated by us in return."

"What amazed me about Bill was his consistent positive attitude," said Maj. Dan Whisnant, a former company commander in the 24th Marines. "Bill and I spent hours talking to Sheiks, children and the locals, and his sense of service to these people was infectious. He personally was going to create

a better life for these folks. I remember him playing with one of the Sheiks' young sons, and you could sense that the two had connected. Bill's sense of service, attitude and example to the younger Marines was something to behold."

Brezler noted that Bill's maturity was also a tremendous asset to their unit's mission. "Bill was a smart and compassionate warrior. There were instances where he could have employed his weapon against a group of kids who had attacked our convoy with grenades, but he exercised tremendous discipline and did not engage them, because he knew that the second- and third-order effects outweighed the immediate results." Brezler says he often tells this story when explaining effective counterinsurgency. "Many Americans—and even some in uniform—just don't get it," he said.

That was vintage Bill. He always did things the right way. A colleague of his at the Lehigh Valley Express-Times, Tony Rhodin, wrote that his favorite memory of Bill was from election night 2000, when Bill came down from Washington to help cover the campaigns on the ground. While everyone was riveted by the unresolved presidential race, Bill was still working the phones at 5 a.m., trying to get the latest results of an equally close congressional contest in the area. "He was here. There was news. It was the right thing to do."

So was running for Congress. When Bill returned from his second tour in 2007, he could have easily returned to journalism and settled down with his wife, René, to start a family. But he still burned to serve. He decided to go back to his hometown region and compete for the Democratic nomination in the Fifth District. His heroism in Iraq and his family's deep roots in the community were well-known to voters. But Bill was still concerned about being labeled a carpetbagger. To show his commitment to the community, he bought a home there. "This is important," he said to friends.

So too was going to Afghanistan in March with his unit, the Fourth Civil Affairs Group. After losing the congressional primary last fall, Bill went to work as a consultant. When he got called up again by the Marines, he could have avoided going to a hot spot. Instead, he sought it out. "This is what I signed up to do," he explained in an e-mail he sent out to his disbelieving friends.

I read about Bill last Friday, the day after he was killed by enemy fire in the Helmand province, a Taliban stronghold and the site of some of the heaviest fighting in Afghanistan, less than a week before the country's national election. It hit me in a deeply personal, visceral way. Bill was one of the most decent, genuine people I had ever known in Washington, and I remember speaking with him last summer about his campaign. I was crushed to hear that his wife was pregnant with twin girls, and that they would never get to know their honor-defining father.

But more than that, it made me truly realize, in a way that only the death of a friend and peer can, just how much we in politics take for granted the men and women who fight our wars for us. Not all of us, and certainly not all the time. But unless you have lost someone close to you, our recent military actions—especially the "forgotten war" in Afghanistan that took Bill's life—rarely and barely touch us. They are at best debate subjects, and at worst political footballs.

It also made me think about how the word "patriotism" has been demeaned and cheapened by blind partisans on both sides questioning their opponents' "American-ness." Perhaps if our leaders read about Bill, and learned more about what love of country really means from his example, they would think twice before casually hurling these hurtful accusations again.

Fortunately, word about Bill's remarkable story is spreading—he was the subject of a moving segment on Hardball Monday. And his family and friends have paid tribute to his memory by setting up a memorial fund to help assist his wife and their twins.

I heard from many of Bill's loved ones (some of them mutual friends, some of whom I had never met) in preparing this tribute, and none of them could fully explain where his overwhelming commitment to service came from. Bill was not one to toot his own horn. "He would probably be embarrassed by all this attention and being called a hero," one friend told me.

But while they may not have understood its source, they more than appreciated his impact, the lives he saved and the lives he touched. Perhaps the most fitting elegy came from Bill's brother Bart. "I won't offer any anecdotes," he said, "but rather a quote that I think summarized his life from Ben Franklin: 'If you would not be forgotten as soon as you are gone, either write things worth reading or do things worth writing.' My view is that my brother did both." Semper fi, indeed.

25TH ANNIVERSARY OF THE AAO—
CODE OF ETHICS

Mr. KOHL. Mr. President, I would like to congratulate the American Academy of Ophthalmology as this year marks the 25th anniversary of their groundbreaking ethics code. One of the first of its kind in the medical world, the Academy Code of Ethics represents a milestone. This self-initiated code of ethics paved the way and set the standard for numerous other codes of conduct within professional medical organizations. Since the code's inception in 1983, the academy's Ethics Committee has reviewed over 3,500 inquiries about ethical behavior and concerns about member conduct.

The American Academy of Ophthalmology is the largest national membership association of ophthalmologists, with 430 in Wisconsin alone. Its members are committed to advancing the highest standards of comprehensive eye care and are dedicated to enhancing the quality of life for every patient they serve. The academy uses its code of ethics, a consensus of the members' views on the ethical issues encountered in ophthalmology, to do just that.

I would also like to note the AAO's commitment to educating its members about unintended influence from the drug industry that can result from the acceptance of excessive gifts and payments. Since 1991, its Ethics Committee has encouraged its members to disclose potential conflicts to patients, the public, and colleagues. AAO's internal policies on this matter, which have been continually updated through the years, are very much in line with the Physician Payments Sunshine Act, S. 301, of which I am a lead sponsor.

Because so many complex ethical dilemmas affect nearly every facet of our

health system, the fact that the academy was one of the very first organizations in professional health care to develop an ethical code is truly commendable. Therefore, I once again express my congratulations to the American Academy of Ophthalmology on the 25th anniversary of their code of ethics.

ADDITIONAL STATEMENTS

REMEMBERING IRVING KRISTOL

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to the exceptional life, character, and work of Irving Kristol. Irving was an inventive entrepreneur of ideas who was boundless in his wit, creativity, and insight. Though we have lost an intellectual giant, we will continue to cherish and learn from Irving Kristol's rich legacy for years to come.

Irving understood that ideas have consequences—and his immense influence was the result of his unique ability to shape the American political landscape with the power of creative thought. He harnessed this power most impressively in his writing, editing, and publishing. Beginning in 1942 when he cofounded his first magazine—*Enquiry: A Journal of Independent Radical Thought*—this began a tradition of launching small magazines with immense influence. He became instrumental in opinion journals like *Commentary*, *Encounter*, the *New Leader*, the *National Interest*, and, of course, the *Public Interest*, which he founded with Daniel Bell. Though these publications did not enjoy large numbers of subscriptions, Irving Kristol valued the quality of his readership over the quantity and maintained that he could change the world with a circulation of a few hundred. And he did.

He lived the life of the creative mind and inspired many aspiring thinkers and writers to join him in this pursuit. One among them, the noted scholar James Q. Wilson, wrote that “Irving Kristol not only helped changed the country, he changed lives. He certainly changed mine.” Irving inspired in many Americans a desire for honest inquiry and a healthy dose of skepticism that humbled and better prepared us to accept the immense difficulty of making useful changes in public policy.

Though he was a force in intellectual circles around the world, Irving was also a champion for the well-being of ordinary Americans. His mission as a neoconservative, he once said, was to “explain to the American people why they are right, and to the intellectuals why they are wrong.” Irving was a genuine patriot who served bravely in the Second World War and eloquently and forcefully defended America's values and principles. It came as no surprise to me that President George W. Bush awarded Irving Kristol the nation's highest civilian honor, the Presidential Medal of Freedom, in 2002.

Hadassah and I offer our condolences and prayers to Irving's wife Gertrude,

his children, Bill and Elizabeth, and the entire Kristol family. •

TRIBUTE TO FRANK M. MCDONOUGH

• Mr. MENENDEZ. Mr. President, today I wish to recognize a man from New Jersey who, through his leadership and commitment to service, has given much back to the country and to his community. This month Frank McDonough is retiring as president of the New York Shipping Association where his leadership will be sorely missed. Frank still speaks with a native, no-nonsense Boston accent, but he is—through and through—a New Jerseyan at heart and in spirit. He has had three accomplished careers. His first was with the U.S. Marines where he spent 21 proud and glorious years. He enlisted in 1957 and rose to the rank of major in 1976. Major McDonough served in Vietnam in combat and combat service support units. In 1968, during the siege at Khe Sanh, he was communications officer of the 1st Battalion, 13th Marines. He was appointed acting battery commander for Headquarters Battery until the headquarters was lost to enemy rocket fire.

He served as communications officer for the 2nd Battalion 26th Marines and for the 1st Reconnaissance Battalion. He was company commander of Echo Company, 2/26 and completed his tour as battalion operations officer under Marine legends COL “Wild Bill” Drumwright and LTC Bill Leftwich. In October, 1970, he was assigned to the United States Army Signal Center and School at Fort Monmouth where he graduated with honors and became the officer-in-charge of the Marine detachment and a distinguished instructor in the officer school. Major McDonough retired in 1978.

Frank McDonough's second career was in law. He completed his undergraduate degree magna cum laude at Boston University and then earned a juris doctorate in 1983. He returned to the Garden State and joined the Monmouth County Prosecutor's Office. Before long he became director of the Environmental Crimes Task Force. Then, as now, Frank McDonough had a strong sense of environmental responsibility. Frank's particular interest has been New Jersey's coastal environment.

In 1986 he entered private practice. He was a member of the bar in New Jersey and the District of Columbia and was admitted to practice before the Third Circuit Court of Appeals and the U.S. Supreme Court.

Frank McDonough's third career got its start courtesy of Governor Christine Todd Whitman. Governor Whitman knew that Frank was the right person to help the State through a developing crisis that threatened the larger bistate region served by the Port of New York/New Jersey. The Governor appointed him to the dredged materials management team that was formed to resolve the “mudlock,” as the New

York Times described the unprecedented dredging crisis. Early in my service as a Member of Congress I also focused efforts to find dredged material management solutions that would enable navigation dredging to resume.

In 1995 Governor Whitman appointed Frank McDonough the State's first executive director of maritime resources. He worked with me and others to help arrive at workable solutions. Resolution was achieved by 1996 with the help of the Clinton White House and the active involvement of Vice President Al Gore.

Frank McDonough must have liked the challenges of the port world because that is where he made his third career. In 2000, he retired from the State and was appointed executive director of the advocacy organization, *Nation'sPort*, and served as a visiting professor and advisory board member of the Center for Maritime Systems at Stevens Institute of Technology.

In 2001, Frank was elected president of the New York Shipping Association, the position from which he is now retiring. He has been the principal advocate for the marine terminal operators and steamship lines that call on the Port of New York/New Jersey, the third largest in the country. He has been responsible for negotiating and managing the labor contracts, managing the various welfare and pension programs, and hiring, training and dispatching the workers.

Frank McDonough's watch at the port has been a dynamic and challenging period. Cargo experienced double digit growth for much of that time until last year when the trade market fell as the global economy went into recession. During this period the port has been at the forefront of port security initiatives in response to a more dangerous world and new Federal mandates developed to combat it. Frank's role has included serving as vice chairman of the New York Harbor Area Maritime Security Committee.

Throughout this tumultuous time, Frank McDonough has been a steady figure on the business side of the port. He led his member companies to undertake important initiatives to reduce the port's environmental imprint even as cargo flow increased. He worked to reduce the port's dependency on trucking and increase the use of congestion-relieving rail and marine transportation for moving cargo between points in the U.S.

Frank McDonough's contributions to his community and State's natural resources are a matter of record, including serving as president of the New Jersey Jaycees, president of the Monmouth-Ocean Development Council, founding president of the Friends of the Monmouth County Parks, and trustee of the New Jersey Marine Sciences Consortium. He also has been chairman of the New Jersey Tidelands Resource Council where he has served for 14 years under five Governors.

Frank and his wife Rita have lived in Monmouth County, NJ. They have four

sons and six grandchildren. I extend my sincere congratulations and thanks to Frank McDonough for making his State of New Jersey a better place to live and work.●

REMEMBERING RONALD EUGENE RAIKES

● Mr. NELSON of Nebraska. Mr. President, today I pay tribute to a good friend who touched the lives of many Nebraskans. Ronald Eugene Raikes of Lincoln passed away tragically at the age of 66 after a farming accident on September 5, 2009, at his farm in Saunders County, NE.

As Nebraska's Governor, I had the honor of appointing Ron to my home State's unique one-house legislature in 1997 to finish the term of the late Senator Jerome Warner. I chose Ron for this legislative seat because he was a brilliant and dedicated individual, and because he shared many other of the wonderful qualities of Senator Warner who was a storied lawmaker in his own right. The choice turned out to be inspired, as Ron quickly won the respect of his fellow state senators.

Ron served in the Nebraska Unicameral as the representative from District 25 in southeast Lincoln. He was elected to two 4-year terms before retiring in 2008 due to term limits. As chair of the Legislature's Education Committee, he was a tireless advocate for children and helped develop a number of major initiatives aimed at addressing the needs of minority and underprivileged youth.

The life of Ronald Eugene Raikes, both in public and private, was one filled with quiet dignity and integrity. He always said that our aim, whether as elected officials or individuals, should be to make a contribution. Ron succeeded in that endeavor and, as such, is sorely missed by his fellow Nebraskans. Our hearts go out to his wife Helen; his children Heather, Abbie and Justin; his brother Jeff; and his sisters Ann, Susan and Mary Jo, as well as all those who knew and worked with him. The life of Senator Ron Raikes leaves behind a legacy in Nebraska for many generations to come.●

TRIBUTE TO THE HEATWOLE FAMILY

● Mr. ROCKEFELLER. Mr. President, I am a proud member of the Congressional Coalition on Adoption Institute, and each year I participate in the Angel of Adoption program to recognize a family, caseworker, or judge who works in my State to promote adoptions and permanency for vulnerable children.

Throughout my career in the U.S. Senate, I have worked hard on Federal legislation to promote adoptions and permanency, and to invest in the child welfare system to improve our care and services. I am truly motivated by the families and dedicated professionals I meet thanks to the Angels in Adoption event.

This year, I was proud to accept the nomination of the West Virginia Children's Home Society of the family of Dawn and Dave Heatwole as the 2009 West Virginia Angel in Adoption.

This award is used to recognize those who reach out to vulnerable children and provide them with a safe and loving home. David and Dawn have an amazing story that has touched the lives of so many needy children, and I would like to share their story with you now.

Dawn and David had been married several years when they were told that it was unlikely they would be able to have children. Rather than becoming discouraged, the couple decided that they would like to adopt a young boy from Russia who they had found out about through their church. While waiting for the lengthy international adoption process to go through, Dawn and David decided to become foster parents.

In April 2005 the Heatwoles undertook the challenge of caring for a 7-month-old boy with serious medical problems. Less than a year later the child was placed on a donor list because he required a liver transplant. As his condition continued to worsen, Dawn's sister volunteered to be tested and proved to be an appropriate donor match. The surgery was successful and their adopted son, Adam, is now a healthy 4 year old.

Shortly after bringing Adam into their home, David and Dawn took in another infant foster child, Ethan. Nine months later they welcomed Ethan's brother Asa into their growing family. In January of 2007, the Heatwoles were able to adopt Pasha from Russia, and they did not stop there. In May of 2008, they also accepted Adam's sister as another precious child in their home.

Over the past 5 years, the Heatwoles have provided a safe and loving environment for nine children. They have opened their home to children in need, and have fought to ensure that children are the top priority in the foster care system. Dawn and David have endured the challenges that accompany ailing and drug dependent infants, as well as the challenge of helping a non-English speaking child adapt to a new culture.

Mr. President, I have been delighted to share the Heatwole family's touching story with you. It is my firm belief that the people of West Virginia possess a great compassion to help those in need. The Heatwoles are an inspiration to us all.●

MESSAGES FROM THE HOUSE

At 12:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 860. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

H.R. 1080. An act to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes.

H.R. 2265. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes.

H.R. 2522. An act to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes.

H.R. 2741. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes.

H.R. 2802. An act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes.

H.R. 2971. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office".

H.R. 3113. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

At 1:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1677. An act to reauthorize the Defense Production Act of 1950, and for other purposes.

At 4:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 3607. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3614. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

MEASURES REFERRED

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

H.R. 860. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1080. An act to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2265. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater

recharge project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2522. An act to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2741. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2802. An act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2971. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3113. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

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-3109. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the Beginning Farmer and Rancher Development Program" (RIN0524-AA59) received in the Office of the President of the Senate on September 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3110. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Non-Formula Federal Assistance Programs—General Award Administrative Provisions and Program-Specific Administrative Provisions for the Specialty Crop Research Initiative" (RIN0524-AA28) received in the Office of the President of the Senate on September 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3111. A communication from the Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the New Era Rural Technology Competitive Grants Program" (RIN0524-AA60) received in the Office of the President of the Senate on September 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3112. 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 "Halosulfuron—methyl; Pesticide Tolerances" (FRL No. 8436-7) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3113. 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 "Metolachlor, S—Metolachlor, Bifenazate, Buprofezin, and 2,4—D; Tolerance Actions" (FRL No. 8438-9) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3114. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Certain Money Market Fund Portfolio Holdings" (RIN3235-AK33) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3115. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment" (RIN1904-AB83) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Energy and Natural Resources.

EC-3116. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, a report relative to the implementation of Energy Conservation Standards Activities; to the Committee on Energy and Natural Resources.

EC-3117. 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; Lead (Pb) Maintenance Plan Update for Marion County" (FRL No. 8961-6) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Environment and Public Works.

EC-3118. 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 Implementation Plans; Revisions to the Alabama State Implementation Plan; Birmingham and Jackson County; Correction Notice" (FRL No. 8960-1) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Environment and Public Works.

EC-3119. 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 "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometer (PM_{2.5}); Final Rule to Stay the Grandfathering Provision for PM_{2.5}" (FRL No. 8961-1) received in the Office of the President of the Senate on September 22, 2009; to the Committee on Environment and Public Works.

EC-3120. 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 "National Priorities List, Final Rule No. 47" (FRL No. 8961-3) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Environment and Public Works.

EC-3121. 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 "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators" (FRL No. 8959-9) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Environment and Public Works.

EC-3122. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 2 on Super Completed Contract Method" (LMSB-4-0209-0006) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Finance.

EC-3123. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2009 National Pool" (Rev. Proc. 2009-40) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Finance.

EC-3124. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier III — Industry Director Directive — Field Directive on the Planning and Examination of IRC Section 263A Issues in the Auto Dealership Industry" (LMSB-04-0909-035) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Finance.

EC-3125. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates — October 2009" (Rev. Rul. 2009-33) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Finance.

EC-3126. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0162-2009-0164); to the Committee on Foreign Relations.

EC-3127. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to support maintenance and reconstitution of Prepositioned War Reserve Material on behalf of U.S. Air Force Central Command to Oman and the United Arab Emirates in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3128. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical

data, defense services, and defense articles related to firearms for end-use by firearms manufacturers located in the countries or governments of the United States, United Kingdom, NATO, Japan, Australia, New Zealand, and Switzerland in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

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. BURRIS:

S. 1695. A bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ:

S. 1696. A bill to require the Secretary of Energy to conduct a study of video game console energy efficiency; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN:

S. 1697. A bill to require that household cleaning products and similar products bear labels that state completely and accurately all of the ingredients of such products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. REID, Mr. DODD, Mrs. MURRAY, Mr. REED, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, and Mr. FRANKEN):

S. 1698. A bill to provide grants to the States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. KERRY, Mr. KOHL, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN, Mr. CASEY, Mr. WHITEHOUSE, and Mr. BURRIS):

S. 1699. A bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. CARDIN, Mr. SCHUMER, Mr. WICKER, Mr. FEINGOLD, and Mr. WHITEHOUSE):

S. 1700. A bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:

S. 1701. A bill to amend title 23, United States Code, to require corrosion mitigation and prevention plans for bridges receiving Federal funding, and for other purposes; to the Committee on Environment and Public Works.

By Mr. UDALL of Colorado (for himself and Mr. RISCH):

S. 1702. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain states; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself and Mr. DURBIN):

S. Res. 281. A resolution supporting the goals and ideals of "National Campus Safety Awareness Month."; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. DEMINT):

S. Res. 282. A resolution remembering the 20th anniversary of Hurricane Hugo, which struck Charleston, South Carolina on September 21 through September 22, 1989; considered and agreed to.

By Mr. REID (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, and Ms. LANDRIEU):

S. Res. 283. A resolution expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009; considered and agreed to.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. Res. 284. A resolution expressing support for the designation and goals of "National Health Information Technology Week" for the period beginning on September 21, 2009, and ending on September 25, 2009; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Con. Res. 41. A concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Missouri (Mrs. McCASKILL) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 305

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 305, a bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes.

S. 451

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 451, supra.

S. 546

At the request of Mr. REID, the name of the Senator from Alaska (Ms. MUR-

KOWSKI) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 653

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) 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. 833

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 883

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and

Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1008

At the request of Mrs. SHAHEEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1008, a bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) 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. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1158

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1158, *supra*.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1361

At the request of Mr. LEAHY, the name of the Senator from South Da-

kota (Mr. JOHNSON) was added as a cosponsor of S. 1361, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1382

At the request of Mr. DODD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1481

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 1576

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1576, a bill to require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emission reductions on private forest land of the United States, and for other purposes.

S. 1649

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1649, a bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes.

S. 1671

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1671, a bill to enhance the reporting requirements on the status of the Arab League trade boycott of Israel and other trade boycotts of Israel.

S. 1672

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1682

At the request of Ms. CANTWELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1682, a bill to provide the Commodity Futures Trading Commis-

sion with clear antimarket manipulation authority, and for other purposes.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1687

At the request of Mr. JOHANNES, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1687, a bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

S. CON. RES. 40

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 40, a concurrent resolution encouraging the Government of Iran to grant consular access by the Government of Switzerland to Joshua Fattal, Shane Bauer, and Sarah Shourd, and to allow the 3 young people to reunite with their families in the United States as soon as possible.

AMENDMENT NO. 2454

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 2454 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2471

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 2471 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2474

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 2474 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2493

At the request of Mr. BINGAMAN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 2493 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2498

At the request of Ms. COLLINS, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of amendment No. 2498 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2507

At the request of Mr. TESTER, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of amendment No. 2507 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN:

S. 1697. A bill to require that household cleaning products and similar products bear labels that state completely and accurately all of the ingredients of such products, and for other purposes, to the Committee on Commerce, Science, and Transportation.

Mr. FRANKEN. Mr. President, today I am introducing my second bill, the Household Product Labeling Act. This legislation will enable consumers to determine whether potentially harmful chemicals are present in the household cleaning products they use every day. I want to first thank my colleague in the House, Representative ISRAEL of New York's 2nd District, for his leadership on this issue and for the tremendous work he put into helping to craft this bill.

In many households across the country, the entire family pitches in on household cleaning chores. The effort is obviously intended to keep everyone healthy by cutting down on germs, bacteria, and mold. But unfortunately, many of the ingredients in commonly used cleaning products may be dangerous themselves. Current law requires that product labels list immediately hazardous ingredients, but there is no labeling requirement for ingredients that may cause harm over time.

Many chemicals contained in household products have been shown to produce harmful health effects. Consumers have a right to know which of these potentially harmful chemicals might be present in their kitchen and bathroom cupboards. This information is particularly important to families with small children, who as we all know have more direct contact with floors and household surfaces. This legislation simply makes that information readily available to consumers, giving them the opportunity to make an informed choice about the chemicals they bring into their homes.

How many times have you heard on the news or read in the paper about a new drug or chemical that has been recently linked to health or environmental hazards? It happens all the time. An ingredient that a company

claims is "perfectly safe" today could be reclassified as "dangerous" tomorrow. And an ingredient that is safe for most people could be a major irritant for a child with asthma. Eventually, I hope that manufacturers will take preemptive action and eliminate potentially harmful chemicals from their products. In the meantime, this legislation is a common sense step in the right direction.

I urge my colleagues to support the "Household Product Labeling Act" and give consumers the right to shield their families from potentially harmful household products.

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. 1697

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 "Household Product Labeling Act of 2009".

SEC. 2. LABELING REQUIREMENT FOR CERTAIN HOUSEHOLD PRODUCTS.

(a) DEFINITIONS.—In this Act:

(1) CONSUMER PRODUCT.—The term "consumer product" has the meaning given the term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).

(2) COVERED PRODUCTS.—The term "covered products" consists of the following consumer products:

- (A) Household cleaning products.
- (B) Air fresheners and deodorizers.
- (C) Floor and furniture polish.
- (D) Dishwashing soap.
- (E) Drain cleaners.
- (F) Laundry detergent and dryer sheets.
- (G) Epoxies.
- (H) Paints or stains.

(I) Any other similar consumer product designated by the Consumer Product Safety Commission for purposes of this Act.

(3) INGREDIENTS.—The term "ingredients", with respect to a covered product, includes any fragrance, dye, or preservative, and any component of such fragrance, dye, or preservative, included in such product.

(4) INTERSTATE COMMERCE.—The term "interstate commerce" has the meaning given the term in section 2 of the Federal Hazardous Substances Act (15 U.S.C. 1261).

(5) LABEL.—The term "label" has the meaning given such term in such section 2.

(b) LABELING REQUIREMENT.—

(1) IN GENERAL.—Each covered product introduced or delivered for introduction into interstate commerce shall bear a label that states completely, accurately, and legibly all of the ingredients of such product.

(2) STANDARD LIST OF INGREDIENTS.—The Consumer Product Safety Commission shall prescribe in the rules required by subsection (d) a standardized list of the ingredients known to be included in covered products in order to ensure the uniform statement of ingredients on covered products in labels on covered products under this Act.

(c) ENFORCEMENT.—Beginning on the date that is 540 days after the date of the enactment of this Act, any covered product that is introduced or delivered for introduction into interstate commerce in violation of subsection (b) shall be treated as a misbranded hazardous substance within the meaning of section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)).

(d) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall prescribe rules to carry out this Act.

By Mr. BINGAMAN (for himself, Mr. REID, Mr. DODD, Mrs. MURRAY, Mr. REED, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, and Mr. FRANKEN):

S. 1698. A bill to provide grants to the States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today, along with Senators REID, DODD, MURRAY, REED, BROWN, CASEY, MERKLEY, and FRANKEN, to introduce the Graduation Promise Act of 2009, or GPA. This bill would create Federal-State-local partnerships to improve this nation's graduation rates, and to help transform our lowest-performing high schools.

Twenty years ago, the Nation's governors met with the first President Bush in Charlottesville, Virginia, for a groundbreaking education summit. They agreed to set high expectations for education for the coming decade, including an increase in the national high school graduation rate to 90 percent by the year 2000. Today, we are not even close to achieving that goal.

Indeed, the Nation's high school graduation rate has stagnated at around 70 percent. Graduation rates for students of color are even lower. In my own home state of New Mexico, the graduation rate is only 54 percent. Yet Federal education policy and funding have focused primarily upon elementary and postsecondary education. Only about 8 percent of all Title I dollars go to high schools.

The economic cost of the high school dropout crisis is significant. According to the Alliance for Excellent Education, if the students who dropped out of the Class of 2009 had graduated, the nation's economy would have benefited from nearly \$335 billion in additional income over the course of these students' lifetimes. Failing to address the nation's dropout crisis fails our students and our country because too few young Americans are prepared to enter the workforce, which harms our economy and our standing in the world. If we don't improve our graduation rates, we will lose our competitive edge.

But low graduation rates are only one broad indicator of the crisis affecting our Nation's high schools. Even if a student makes it to graduation, only a third of all students who enter the 9th grade will graduate with the skills and knowledge necessary to succeed in college or the modern workplace. They are not receiving the kind of quality education that permits a seamless transition to a job or postsecondary education.

Fortunately, research is available to help us better understand the factors behind low graduation rates and poor student performance in high school. We can use research-based tools to identify the high schools that are producing the majority of dropouts across the country. These high schools, roughly 2,000 in all, or 15 percent of all high schools, have persistently low rates of grade promotion and graduation. If you look at the typical senior class at one of these high schools, it will have decreased in size by at least 40 percent since these students entered the school 4 years earlier.

Research has also shed light on the specific risk factors that predict who will drop out of high school. We can identify future dropouts with a high degree of certainty by looking at such predictors as course failure, poor attendance, behavior problems, and retention in earlier grades. Students who enter high school significantly lagging behind in their academics and who show clear signs of disengagement are likely to drop out unless additional supports are put in place.

Research-based solutions, with solid evidence of success, are transforming high schools with low graduation rates. Restructuring schools into smaller, more personalized learning environments ensures that students become engaged from the time they enter 9th grade. Sustained efforts to boost attendance ensure that they don't fall further behind. Partnerships with community-based and education organizations help facilitate successful school transformations.

Schools that have combined these efforts with high-quality curriculum and instructional improvements have been successful in improving student achievement and increasing graduation rates: transitional math and English to 9th graders helps them catch up; challenging curricula and tangible, contextual applications of learning rekindle their interest; and teaching teams and professional development targeted to the needs of the school bolster teachers' effectiveness in identifying, managing, and engaging students at risk of dropping out. In combination, these interventions are proven to improve student achievement and increase graduation rates.

In essence, we know which schools have the highest dropout rates; we know the risk factors that predict to a high degree of certainty which students will drop out; and we know which sets of interventions work to turn around failing schools and failing students. The task before us is to partner with states and local school districts to enhance and expand these efforts. By appropriately extending its education focus to include the needs of students in middle and high schools, the Federal Government can move the nation from "no child left behind" to "every student a graduate."

To meet this critical goal, I am introducing, along with my colleagues

Senators REID, DODD, MURRAY, REED, BROWN, CASEY, MERKLEY, and FRANKEN, the Graduation Promise Act of 2009.

The Graduation Promise Act will help build state and local capacity for secondary school improvement by providing states and local school districts with resources to identify and target high schools with the greatest needs. GPA recognizes that high school reform needs to start with experts on the ground—in the states and local districts where struggling high schools exist.

It also recognizes that reform efforts must be targeted to address the unique challenges each school faces in raising achievement and graduation levels. As such, GPA would provide resources to states to establish differentiated high school improvement systems and ensure that locally-driven school improvement actions are based upon the amount and type of supports necessary to turn such schools around.

In order to be eligible to receive funds to implement these school improvement plans, local school districts would work with the school improvement teams to assess the capacity of the high school to implement the plan, as well as identify the existing resources available to the district and the school. These assessments would be used to determine the amount of resources and technical assistance needed to successfully implement the high school improvement plan.

GPA also emphasizes transparency and accountability. Both state applications and local school improvement plans would be subject to a rigorous peer-review process. Schools needing targeted interventions, whole school reform, or replacement would be required to meet measurable and meaningful benchmarks of improvement.

The cost of raising student performance and graduation rates at our chronically underperforming high schools is considerable, yet it is a necessary investment in our Nation's future economic strength. The Graduation Promise Act authorizes \$2.5 billion per year to meet this challenge, with the bulk of funding directed to states and local school districts to help turn around the high schools with the lowest student achievement and lowest graduation rates.

I submit that we cannot afford to let struggling high schools continue to push students off the path to prosperity. We must ensure the continued prosperity of our country by promising each high school student a chance to gain the skills and knowledge necessary to pursue their dreams and succeed.

I want to thank my Senate cosponsors for their commitment to improving high schools and increasing graduation rates in this country, and I am pleased to be working with them and other Senate colleagues on this legislation.

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. 1698

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 "Graduation Promise Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—HIGH SCHOOL IMPROVEMENT AND DROPOUT REDUCTION FUND

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. Grants authorized.

Sec. 105. Secretarial peer review and approval.

Sec. 106. State plan to develop differentiated high school improvement system.

Sec. 107. Use of grant funds.

Sec. 108. Statewide differentiated high school improvement system.

Sec. 109. Subgrants to local educational agencies.

Sec. 110. Local educational agency implementation of school improvement system.

Sec. 111. School improvement activities.

Sec. 112. Evaluation and reporting.

Sec. 113. Authorization of appropriations.

TITLE II—DEVELOPMENT OF EFFECTIVE SCHOOL MODELS

Sec. 201. Purposes.

Sec. 202. Definitions.

Sec. 203. Grants authorized.

Sec. 204. Application.

Sec. 205. Secretarial peer review and approval.

Sec. 206. Use of funds.

Sec. 207. Evaluation and reporting.

Sec. 208. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms "distance learning", "educational service agency", "highly qualified", "local educational agency", "secondary school", and "State educational agency" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) GRADUATION RATE.—The term "graduation rate" has the meaning given the term in section 111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

(3) HIGH SCHOOL.—The term "high school" means a secondary school in which the—

(A) entering grade of the school is not lower than grade 6; and

(B) highest grade of the school is—

(i) grade 12; or

(ii) in the case of a secondary school approved by a State to issue a regular diploma concurrently with a postsecondary degree or with not more than 2 years' worth of postsecondary academic credit, grade 13.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

(6) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE I—HIGH SCHOOL IMPROVEMENT AND DROPOUT REDUCTION FUND

SEC. 101. FINDINGS.

The Senate finds the following:

(1) About a third of our Nation's high school students fail to graduate in 4 years, and another third graduate without the skills and knowledge needed to succeed in college or the workplace. The outcomes for minority students are even worse: only 50 percent of American Indian, 51 percent of Black, and about 55 percent of Hispanic students graduate on time, compared to 76 percent of white students.

(2) Approximately half of the Nation's dropouts attend a school where 40 percent or more of the freshman class has dropped out by the time the students reach their senior year. These schools, which are located in nearly every State, disproportionately serve minority and poor students, and have fewer resources and less qualified teachers than schools in more affluent neighborhoods. Almost half of African American students and nearly 40 percent of Latino students—compared to only 11 percent of white students—attend high schools in which graduation is not the norm.

(3) A high school diploma is increasingly important for success in the 21st century economy. In fact, nearly 90 percent of the fastest-growing, highest-paying jobs require some sort of education beyond high school.

(4) For decades, Federal funding has largely been spent on prekindergarten through grade 6 education and higher education, with dramatically less given the middle and high school grades. While children in their early years must build a strong foundation for learning, research also clearly demonstrates the need to continue the investment at each stage of the education process or risk losing much of the benefit of the early effort.

(5) High schools receive only 10 percent of funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), leaving millions of title I eligible, high school students in low-performing schools without the focused support, external assistance, and resources for improvement that title I was created to provide. Because title I funds serve as the trigger for school improvement requirements in the Elementary and Secondary Education Act of 1965, this also means that most low-income, low-performing high schools are not required to (or supported to) implement school improvement activities.

(6) While the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) includes a strong focus on identifying low-performing schools, America still needs a comprehensive strategy to support and improve chronically low-performing schools and local educational agencies. School improvement strategies should be tailored based on a variety of indicators and data, so that educators can create and implement successful school improvement strategies to address the needs of the individual schools.

(7) Most local educational agencies and State educational agencies do not necessarily have the capacity or infrastructure to guide, support, and fund school improvement strategies where they are needed, but good models for turning around low-performing high schools do exist. Federal support should be used to build this capacity based on evidence from successful high schools.

(8) If the Nation is to maintain and increase its competitiveness in the global economy, it must invest in a systemic approach to improving its high schools so that every child graduates from high school prepared for success.

SEC. 102. PURPOSES.

The purposes of this title are to—

(1) improve high school student academic achievement and graduation rates and prepare all students for postsecondary education and the workforce;

(2) help States and local educational agencies develop high school improvement systems to deliver support and technical assistance to high schools identified for whole school reform or replacement, as described in clause (ii) and (iii) of section 106(b)(2)(B);

(3) ensure students graduate from high school with the education and skills necessary to compete in a global economy; and

(4) help build the capacity to develop and implement research-based, sustainable, and replicable high school improvement models and interventions that are for high schools in whole school reform and replacement and that engage the whole community.

SEC. 103. DEFINITIONS.

In this title:

(1) **ADEQUATE YEARLY PROGRESS.**—The term “adequate yearly progress” has the meaning given the term in section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)).

(2) **EXTERNAL PARTNER.**—The term “external partner” means an entity—

(A) that is an organization such as a non-profit organization, community-based organization, local education fund, service organization, educational service agency, or institution of higher education; and

(B) that has demonstrated expertise and effectiveness in providing targeted support such as data analysis, professional development, or provision of nonacademic support and integrated student services to local educational agencies, schools, or students that leads to improved teaching, learning, and outcomes for students, including for those students who are failing to make sufficient progress to graduate in the standard amount of years or who have dropped out of high school.

(3) **LOW-INCOME LOCAL EDUCATIONAL AGENCY.**—The term “low-income local educational agency” means a local educational agency in which not less than 15 percent of the students served by such agency are from families with incomes below the poverty line.

(4) **MIDDLE GRADES.**—The term “middle grades” means any of grades 5 through 8.

(5) **POVERTY LINE.**—The term “poverty line” means the poverty line described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902), applicable to a family of the size involved.

(6) **SECONDARY SCHOOL REFORM PARTNER.**—The term “secondary school reform partner” means an organization, such as a school reform organization, community-based organization, local education fund, educational service agency, or institution of higher education, with expertise in analyzing school performance data and a track record of success in improving student achievement and graduation rates in low-performing high schools.

SEC. 104. GRANTS AUTHORIZED.

(a) **IN GENERAL.**—The Secretary is authorized to make grants, through allotments under subsection (b), to State educational agencies with approved State plans that will—

(1) improve student achievement and graduation rates; and

(2) effectively target resources and technical assistance to high schools in whole school reform or replacement, as described in clause (ii) or (iii) of section 106(b)(2)(B).

(b) **DETERMINATION OF ALLOTMENTS.**—

(1) **RESERVATION OF FUNDS.**—From the total amount appropriated under section 113, the Secretary shall reserve not more than—

(A) the lesser of 3 percent or \$50,000,000, to—

(i) provide technical assistance and ongoing regional training programs that are equitably distributed—

(I) among the different geographic regions of the United States; and

(II) among State and local educational agencies serving urban and rural areas;

(ii) evaluate activities authorized under this title in order to determine the most effective strategies for improving student achievement and outcomes for students attending high schools identified for targeted intervention, whole school reform, or replacement under section 106(b)(2); and

(iii) disseminate the findings of such evaluations;

(B) the lesser of 4 percent or \$75,000,000, to build the capacity of secondary school reform partners and external partners to provide services under this Act that benefit high schools and support the development or enhancement of research-based whole secondary school reform or new secondary school models, of which not less than 35 percent of such reserved funds shall be awarded, on a competitive basis, to secondary school reform partners or external partners that will provide services under this Act that benefit high schools designated with a school locale code of Fringe Rural (41), Distant Rural (42), or Remote Rural (43), as determined by the Secretary; and

(C) 2 percent to the Secretary of the Interior, to enable the Secretary to carry out the purposes of this Act for schools operated or funded by the Bureau of Indian Affairs.

(2) **STATE ALLOTMENT.**—From the total amount appropriated under section 113 for a fiscal year and not reserved under paragraph (1), the Secretary shall make allotments as follows:

(A) **LOW-INCOME LOCAL EDUCATIONAL AGENCIES.**—From such amount, the Secretary shall allot to each State an amount that bears the same ratio to 50 percent of the sums being allotted as the percentage of students enrolled in schools served by low-income local educational agencies in the State bears to the total of such percentages for all the States.

(B) **LOWEST GRADUATION RATE CALCULATION.**—From such amount, the Secretary shall allot to each State for which the graduation rate is within the lowest one-third of the graduation rates for all States, an amount that bears the same ratio to 25 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States with the lowest one-third graduation rates.

(C) **MIDDLE GRADUATION RATE CALCULATION.**—From such amount, the Secretary shall allot to each State for which the graduation rate is within the middle one-third of the graduation rates for all States, an amount that bears the same ratio to 15 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the middle one-third graduation rates.

(D) **HIGHEST GRADUATION RATE CALCULATION.**—From such amount, the Secretary shall allot to each State for which the graduation rate is within the highest one-third of the graduation rates for all States, an amount that bears the same ratio to 10 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the highest one-third graduation rates.

(3) **REALLOTMENT.**—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the

remaining States in accordance with this subsection.

(4) **USING FIRST-YEAR DATA.**—In calculating allotments under this subsection for the second and each subsequent year of the grant period, the Secretary shall use the data relating to low-income local educational agencies and graduation rates used for the first year of the grant period.

(5) **HOLD HARMLESS.**—Notwithstanding any other provision of this subsection but subject to paragraph (6), no State shall receive an allotment under this section for a fiscal year in an amount that is less than the amount the State received under this section for the first fiscal year of the grant period.

(6) **RATABLE REDUCTION.**—If the amount appropriated in a fiscal year is not sufficient to pay the minimum allotments to all eligible institutions under paragraph (5), the amount of the minimum allotment to each such eligible institution shall be ratably reduced.

(c) **SUPPLEMENT, NOT SUPPLANT.**—A State educational agency that receives a grant under this title shall use the grant funds to supplement, and not supplant, Federal and non-Federal funds available to high schools.

(d) **MATCHING FUNDS.**—A State educational agency that receives a grant under this section shall provide matching funds, from non-Federal sources, in an amount equal to 25 percent of the amount of grant funds provided to the State to carry out the activities supported by the grant. Such matching funds may be provided in cash or in-kind, except that—

(1) not more than 10 percent of the amount of grant funds may be provided through in-kind contributions; and

(2) any in-kind contributions shall be directed toward supporting the State educational agency's technical assistance efforts or the operation of the State's differentiated high school improvement system under section 106.

SEC. 105. SECRETARIAL PEER REVIEW AND APPROVAL.

(a) **IN GENERAL.**—The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of State plans;

(2) appoint individuals to the peer-review process who are educators and experts in educational standards, assessments, accountability, high school improvement, dropout prevention, academic needs of English language learners, and other educational needs of high school students;

(3) approve a State plan submitted under this title not later than 120 days after the date of the submission of the plan unless the Secretary determines that the plan does not meet the requirements of this title;

(4) if the Secretary determines that the State plan does not meet the requirements of this title, immediately notify the State of such determination and the reasons for such determination;

(5) if the Secretary determines that the State does not have the capacity to carry out the school improvement activities described in sections 106(b)(2) and 108, offer technical assistance to carry out such activities for States directly or through contracts with secondary school reform partners;

(6) not deny a State's plan before—

(A) offering the State an opportunity to revise the State's plan;

(B) providing the State with technical assistance in order to submit a successful plan; and

(C) providing the State an opportunity for a hearing or accepting input from the State; and

(7) have the authority to deny a State plan for not meeting the requirements of this title.

(b) **ACCURACY.**—In approving a State plan, the Secretary shall ensure that—

(1) the process the State educational agency proposes for differentiating school improvement actions under sections 106(b)(2) and 108, which process will assign high schools to each of the school improvement categories described in section 106(b)(2) in such a way that accurately identifies the high school and leads to the implementation of the interventions necessary to meet the needs of the students attending the high school; and

(2) the annual growth targets proposed by the State educational agency under section 106(b)(3)(D) are meaningful and achievable, and demonstrate continuous and substantial progress.

SEC. 106. STATE PLAN TO DEVELOP DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEM.

(a) **IN GENERAL.**—For a State to be eligible to receive a grant under this title, the State educational agency shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) **CONTENTS.**—Each plan submitted under this section shall include the following:

(1) **SCHOOL IMPROVEMENT PROCESS.**—The State educational agency shall describe how the State educational agency will use funds authorized under this title to establish or expand a statewide differentiated high school improvement system described in section 108.

(2) **STATEWIDE DIFFERENTIATED HIGH SCHOOL IMPROVEMENT.**—

(A) **PROCESS OF DIFFERENTIATION.**—The State educational agency shall describe how a data-driven process for categorizing high schools into the categories described in subparagraph (B) using—

(i) the indicators used to determine adequate yearly progress; and

(ii) data from the school performance indicators described in paragraph (3).

(B) **DIFFERENTIATED HIGH SCHOOL IMPROVEMENT CATEGORIES.**—The State educational agency shall describe how local educational agencies will use the process established under subparagraph (A) to categorize the high schools in the State that do not make adequate yearly progress for 2 consecutive years into one of the following school improvement categories:

(i) **SCHOOLS NEEDING TARGETED INTERVENTIONS.**—High schools whose performance on the school performance indicators described in paragraph (3) demonstrate a need for targeted interventions described in section 111(b) to improve student outcomes and make adequate yearly progress.

(ii) **SCHOOLS NEEDING WHOLE SCHOOL REFORMS.**—High schools whose performance on the school performance indicators demonstrate a need for comprehensive schoolwide reform described in section 111(c) to improve student outcomes and make adequate yearly progress.

(iii) **SCHOOLS NEEDING REPLACEMENT.**—High schools whose school performance indicators demonstrate a need for replacement, as described in section 111(d).

(C) **SPECIAL RULE.**—A State educational agency may propose in the plan under this section additional levels of differentiation within a particular school improvement category described in subparagraph (B) to further target and prioritize school needs and to align differentiation with the State's existing State accountability systems.

(D) **DEMONSTRATION OF DEVELOPMENT.**—The State shall demonstrate how the State plan was developed in consultation with a representative group of local educational agencies.

(E) **CONTINUOUS IMPROVEMENT.**—The State educational agency shall describe how the State educational agency will evaluate an-

nually the progress of high schools to ensure that each high school is making continuous and substantial improvement in accordance with the annual growth targets described in paragraph (3)(D) and consistent with the requirements described in section 111.

(F) **AUTOMATIC DESIGNATION.**—The process of categorization proposed by the State educational agency shall ensure that a high school shall be automatically identified as a school in need of whole school reform or as a school in need of replacement, if the high school has a graduation rate of 50 percent or less in the most recent year for which data are available.

(3) **SCHOOL PERFORMANCE INDICATORS.**—

(A) **IN GENERAL.**—The State educational agency shall define, in consultation with representatives from urban and rural local educational agencies in the State, a comprehensive set of school performance indicators that—

(i) shall be used, in addition to the indicators used to determine adequate yearly progress, to—

(I) analyze the performance of high schools in the State;

(II) determine the amount, intensity, and type of support each high school needs; and

(III) guide the school improvement process;

(ii) demonstrate whether a high school is making substantial and continuous progress toward the goal of graduating all of the school's students prepared for success in higher education and careers; and

(iii) directly measure student achievement and advancement in high school; or

(II) have been demonstrated by research to have a direct impact on high school student achievement and advancement.

(B) **CATEGORIES.**—

(i) **IN GENERAL.**—The comprehensive set of school performance indicators required by subparagraph (A) shall include indicators of—

(I) high school student engagement and effort;

(II) student advancement;

(III) educator quality; and

(IV) academic learning.

(ii) **INDICATORS OF HIGH SCHOOL STUDENT ENGAGEMENT AND EFFORT.**—With respect to high school student engagement and effort, the indicators—

(I) shall include student attendance rates; and

(II) may include—

(aa) the percentage of student suspensions and expulsions;

(bb) surveys of high school student engagement and effort; or

(cc) other indicators of student engagement proposed by the State educational agency and approved by the Secretary as part of the peer review process described in section 105(a).

(iii) **INDICATORS OF STUDENT ADVANCEMENT.**—With respect to student achievement, the indicators—

(I) shall include—

(aa) (AA) student-earned on-time promotion rates from grade to grade for all grades in the high school; or

(bb) the percentage of students who have on-time credit accumulation at the end of each grade; and

(bb) the percentage of students—

(AA) failing a core, credit-bearing, English language arts, mathematics, or science course; or

(BB) failing 2 or more courses of any type; and

(II) may include—

(aa) measures of enrollment, retention, persistence, and degree attainment in two-year and four-year institutions of higher education;

(bb) measures of the employment success of students who graduated from the high school; or

(cc) other indicators of student advancement proposed by the State educational agency and approved by the Secretary as part of the peer review process described in section 105(a).

(iv) INDICATORS OF EDUCATOR QUALITY.—With respect to educator quality, the indicators—

(I) shall include—

(aa) measures of teacher attendance, vacancies, and turnover; and

(bb) the percentage of highly qualified teachers by grade level; and

(II) may include other indicators of educator quality proposed by the State educational agency and approved by the Secretary as part of the peer review process described in section 105(a).

(v) INDICATORS OF ACADEMIC LEARNING.—With respect to academic learning, the indicators—

(I) shall include—

(aa) the percentage of students taking a college-preparatory curriculum, which may include the percentage of students taking Advanced Placement courses, International Baccalaureate courses, or postsecondary courses for dual credit;

(bb) the percentage of students reaching proficiency on the State academic assessments in reading and mathematics required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), disaggregated by the categories of students identified in section 1111(b)(2)(C)(v) of such Act (20 U.S.C. 1111(b)(2)(C)(v)); and

(cc) student success on State or local educational agency end-of-course examinations or performance-based assessments with standardized scoring rubrics aligned to State standards, where such assessments are available; and

(II) may also include—

(aa) student achievement on college entrance and placement examinations such as the ACT or SAT, or Advanced Placement examinations; or

(bb) other indicators of academic learning proposed by the State educational agency and approved by the Secretary as part of the peer-review process described in section 105(a).

(C) DEMONSTRATION OF CAPACITY TO COLLECT AND REPORT INDICATORS.—The State educational agency shall demonstrate its capacity to collect, report, and use the indicators defined and used to meet the requirements of subparagraph (A), including through the use of a statewide longitudinal data system.

(D) ANNUAL GROWTH TARGETS.—The State educational agency shall set State annual growth targets that—

(i) include a goal and a minimum percentage of expected annual growth for each school performance indicator; and

(ii) demonstrate continuous and substantial progress toward the State-defined goal and making adequate yearly progress.

(4) DEMONSTRATION OF CAPACITY TO SUPPORT SYSTEM.—The State educational agency shall demonstrate capacity to support the statewide differentiated high school improvement system, which shall include, at a minimum, the following:

(A) SYSTEM ALIGNMENT.—

(i) ALIGNMENT WITH ACCOUNTABILITY SYSTEM.—The State shall demonstrate an alignment of the State accountability system described in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) and the school improvement system under section 1116(b) of such Act (20 U.S.C. 6316(b)) with the statewide differentiated high school system described in section 108.

(ii) ADDITIONAL REQUIREMENTS.—The State educational agency shall demonstrate, if the State's statewide differentiated high school improvement system includes additional requirements not required under section 108, how such additional requirements will lead to improved student achievement and graduation rates and system alignment.

(iii) STRENGTHENING AND ALIGNING POLICIES.—The State educational agency shall demonstrate how the State educational agency will strengthen and align policies affecting—

(I) interventions in schools in whole school reform or replacement under clause (ii) or (iii) of paragraph (2)(B);

(II) new school development; and

(III) implementation of effective school improvement activities that address the education needs of high school students who are off-track or who have dropped out.

(B) DATA SYSTEMS.—The State educational agency shall demonstrate the State educational agency's use and support of a statewide longitudinal data system, including demonstrating—

(i) that such system exists, or is being developed, and includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871(e)(2)(D)) and any additional elements described in section 14005(d)(3) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 283);

(ii) a commitment to the maintenance and growth of such system;

(iii) State policies that ensure the protection of personally identifiable information in such system and authorize such system to collect, share, and link data from multiple systems for the purposes of evaluations and continuous improvement;

(iv) governance structures to guide the collection, sharing and use of the data in such system; and

(v) that such system includes linkages between kindergarten through grade 12 data systems with early learning, postsecondary education, workforce, social services and other critical State agency data systems in order to achieve interoperability with systems in other States.

(C) CAPACITY AND TECHNICAL ASSISTANCE.—The State educational agency shall demonstrate how it will support the statewide differentiated high school improvement system, including—

(i) a description of the statewide system of support, including regional support services and how schools identified under this Act can utilize such supports to improve teaching, learning, and student outcomes;

(ii) a description of how the State educational agency will review, support, monitor, and provide technical support for local educational agency plans in accordance with paragraph (5);

(iii) a description of the State educational agency staffing structure that is designed to—

(I) carry out the activities described in clause (ii);

(II) assist local educational agency school improvement teams described in section 110(b)(2), including supporting local educational agencies and school officials in developing and implementing school improvement plans, including through the provision of resources, training and technical assistance; and

(III) coordinate services across other State agencies to streamline and improve support provided to schools identified as needing targeted intervention, whole school reform, or replacement under paragraph (2)(B);

(iv) a description of how the State educational agency will develop and identify school improvement planning tools for use by the local educational agencies and schools, such as needs assessments; and

(v) a description of how the State educational agency will ensure local educational agencies with high numbers of schools in whole school reform and replacement and such schools will be prioritized and targeted with support.

(D) INCREASING LOCAL CAPACITY FOR IMPROVEMENT.—The State educational agency shall demonstrate how the State educational agency will align its resources and policies to increase State and local capacity to ensure comprehensive support for schools identified as needing targeted intervention, whole school reform, or replacement under paragraph (2)(B), including how the State educational agency will—

(i) target resources, including resources from additional funding sources, to improve teacher and principal effectiveness in such schools including using data for decision-making;

(ii) leverage resources from other funding sources, such as school improvement funds, technology and data funds, and professional development funds;

(iii) provide local educational agencies with support in finding and utilizing secondary school reform partners and other external partners;

(iv) increase access to State and regional technical assistance services;

(v) ensure an equitable distribution of teachers and principals with a demonstrated record of improving student achievement and graduation rates among the schools in the State that are identified for targeted intervention, whole school reform, or replacement under paragraph (2)(B), particularly those schools in whole school reform or replacement, as compared to schools not identified under paragraph (2)(B);

(vi) ensure access to substantially equal educational funding (for each student in the State), such as through addressing per pupil expenditures or inter-district funding disparities;

(vii) support the development of effective school leaders for high schools identified for targeted intervention, whole school reform, or replacement under paragraph (2)(B);

(viii) assist local educational agencies in developing early warning indicator systems described in section 110(b)(6)(A); and

(ix) assist local educational agencies in developing education options as described in section 110(b)(6)(B).

(5) STATE REVIEW OF LOCAL EDUCATIONAL AGENCY PLANS.—

(A) REVIEW LOCAL EDUCATIONAL AGENCY PLANS.—The State educational agency shall describe how the State educational agency will collect and review high school improvement plans described in section 110(b)(4), including a description of—

(i) how the State educational agency will measure and ensure local educational agencies have the capacity to carry out such high school improvement plans;

(ii) how a local educational agency may propose additional levels of differentiation within a particular school improvement category described in paragraph (2)(B) that are aligned with the State accountability system under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) and the local educational agency's school improvement system under section 1116(b) of such Act (20 U.S.C. 6316(b)) existing as of the time of the plan;

(iii) how the State educational agency will allow consortia of local educational agencies, particularly those in rural areas, to collaborate to develop and implement school improvement plans;

(iv) how the State educational agency will review plans with the assistance and advice of a peer review panel that includes educators and individuals who are experts in—

(I) educational standards, assessments, and accountability;

(II) high school improvement;

(III) dropout prevention, intervention, and recovery;

(IV) parental involvement; and

(V) other educational needs of high school students;

(v) how the State, in consultation with the peer review panel, shall ensure the local educational agency has identified the school improvement category described in section 106(b)(2) for each high school served by the local educational agency that did not make adequate yearly progress for 2 consecutive years in such a way that accurately identifies the high school and leads to the implementation of the interventions necessary to meet student needs;

(vi) how the State will provide local educational agencies the opportunity to revise high school improvement plans, including, if the State educational agency, in consultation with the peer review panel described in clause (iv), determines that the local educational agency's plan does not meet the requirements of this title—

(I) immediately notifying the local educational agency of such determination and the reasons for such determination; and

(II) offering the local educational agency an opportunity to revise the plan, and technical assistance for revising the plan; and

(vii) how the State will make the school improvement plans available to the public.

(B) **ALLOCATION OF SUBGRANTS.**—The State educational agency shall describe how it will award subgrants to local educational agencies consistent with section 109.

(C) **MONITORING OF SCHOOL IMPROVEMENT PLANS.**—The State educational agency shall describe how the State educational agency will review and monitor the implementation of high school improvement plans, including how the State will analyze the implementation of the high school improvement plans of high schools that do not meet the annual growth targets set in accordance with paragraph (3)(D) and defined in the school improvement plan described in section 110(b)(4).

(D) **PROVIDING TECHNICAL ASSISTANCE.**—The State educational agency shall describe how it will provide technical assistance to local educational agencies and high schools that need support to develop and to implement high school improvement plans described in section 110(b)(4) and improve graduation rates and student achievement, including through the use of secondary school reform partners, where appropriate.

(6) **EVALUATION OF SUCCESS.**—The State educational agency shall describe how, every 5 years, the State educational agency will evaluate how the activities assisted under this title have been successful in improving student achievement and outcomes of the cohort of students whose year of entry into high school was 4 years before the evaluation, including measurement of the State educational agency's effectiveness in carrying out the activities described in the application under this subsection.

SEC. 107. USE OF GRANT FUNDS.

A State educational agency that receives a grant under this title—

(1) shall reserve not more than 10 percent of the grant funds—

(A) to carry out the activities described in the State plan under section 106; and

(B) to establish or expand a statewide differentiated high school improvement system described in section 108; and

(2) shall use not less than 90 percent of the grant funds to make subgrants to local educational agencies in accordance with section 109.

SEC. 108. STATEWIDE DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEM.

A Statewide differentiated high school improvement system shall be designed by the State educational agency to—

(1) use data to identify high schools for whole school reform or replacement, as described in clause (ii) or (iii) of section 106(b)(2)(B), within the State;

(2) differentiate school improvement actions under section 106(b)(2) based on the amount and type of supports necessary to improve student achievement and graduation rates in high schools within the State;

(3) provide resources to support the evidence-based activities that school improvement teams choose, based on school performance data, to carry out under section 111;

(4) target resources and support to those high schools in the State that are identified for whole school reform and replacement;

(5) ensure that each high school identified for targeted intervention, whole school reform, or replacement that is making progress on the State's school performance indicators described in section 106(b)(3) continues to implement effective school improvement strategies identified in the high school's school improvement plan;

(6) ensure that high schools identified for whole school reform or replacement making progress on the State's school performance indicators have the resources and supports necessary to improve high school graduation rates and student achievement;

(7) build the capacity of the State educational agency and local educational agencies to assist in improving student achievement and graduation rates in high schools identified for whole school reform and replacement; and

(8) ensure that high schools identified for whole school reform and replacement making progress on school performance indicators continue to have the resources and support necessary to further improve high school graduation rates and student achievement.

SEC. 109. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) **AWARD BASIS.**—

(1) **PRIORITY OF WHOLE SCHOOL REFORM AND REPLACEMENT.**—In awarding subgrants under this section, a State educational agency shall—

(A) before awarding any subgrants to local educational agencies serving high schools identified for targeted intervention under section 106(b)(2), award subgrants to, on a competitive basis, local educational agencies serving high schools identified as needing whole school reform and replacement; and

(B) ensure that each subgrant awarded to a local educational agency provides funding adequate to fulfill the school improvement needs outlined in the local educational agency's school plan, as approved by the State educational agency.

(2) **TARGETED INTERVENTIONS.**—If subgrant funds remain after the application of subsection (a), then the State educational agency shall award remaining subgrant funds to local educational agencies serving high schools needing targeted interventions.

(3) **COMPETITIVE BASIS.**—A State educational agency that receives a grant under this title shall award subgrants, in accordance with subsections (a) and (b), to local educational agencies on the basis of—

(A) the quality of the school improvement plan to improve student graduation rates

and student achievement in high schools that have not made adequate yearly progress for 2 consecutive years;

(B) the capacity of the local educational agency to implement the plan; and

(C) the need of the local educational agency, based on student high school graduation rates and the percentage of students from families with incomes below the poverty line.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—To be eligible to receive a subgrant under this title, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(2) **CONTENTS.**—Each application submitted under this subsection shall include—

(A) a description, for each high school identified pursuant to section 110(b)(1), of how the local educational agency will carry out activities described in section 111 for the high school;

(B) a description of the local educational agency staffing structure that is designed to—

(i) carry out the activities described in section 110(a);

(ii) assist school improvement teams, including supporting local educational agency and school officials in developing and implementing high school improvement plans, by providing resources, training, and technical assistance, and through other means; and

(iii) coordinate services across other governmental agencies and nongovernmental organizations to streamline and improve support provided to schools identified for a school improvement category described in section 106(b)(2);

(C) a description of the policies and procedures the local educational agency shall implement to ensure the distribution and assignment of high-quality teachers and leaders in a manner that first fulfills the needs of the schools identified as needing targeted intervention, whole school reform, or replacement;

(D) an assurance that the local educational agency will use subgrant funds under this title first to meet the needs of high schools served by the local educational agency that are identified for whole school reform or replacement under clause (ii) or (iii) of section 106(b)(2);

(E) an assurance that the local educational agency shall provide ongoing support and resources to high schools identified for whole school reform or replacement, and are making progress on the State's school performance indicators described in section 106(b)(3), to ensure continued improvement;

(F) a description of how the local educational agency will increase its capacity to improve high schools with low student achievement and graduation rates; and

(G) an assurance that the local educational agency will conduct the capacity and needs assessment required under subsection (b)(9) and provide the results of the assessment to the State educational agency and the Secretary.

(3) **USE OF DATA.**—The local educational agency shall describe how data will be used, consistent with the requirements of this section, to inform the classification of high schools, and development and implementation of school improvement plans, including that data described in section 110(b)(1)(A).

(c) **SUPPLEMENT, NOT SUPPLANT.**—A local educational agency that receives a subgrant under this section shall use the subgrant funds to supplement, and not supplant, other Federal and non-Federal funds available for high schools served by the local educational agency.

(d) MATCHING FUNDS.—

(1) IN GENERAL.—A local educational agency receiving a subgrant under this section shall provide matching funds, from non-Federal sources, in an amount equal to not less than 15 percent of the total subgrant award for the local educational agency, which may be provided in cash or in-kind.

(2) USE OF MATCHING FUNDS.—The matching funds shall be used to provide technical assistance to high schools served by the local educational agency in—

(A) developing the high schools' high school improvement plans described in section 110(b)(4);

(B) conducting the capacity and needs assessments described in section 110(b)(9); and

(C) implementing and monitoring the implementation of the high school improvement plans.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for a local educational agency if the Secretary determines that applying the matching requirement to such local educational agency would result in serious hardship or an inability to carry out the authorized activities described in section 111.

SEC. 110. LOCAL EDUCATIONAL AGENCY IMPLEMENTATION OF SCHOOL IMPROVEMENT SYSTEM.

(a) DISTRICT-WIDE HIGH SCHOOL IMPROVEMENT.—A local educational agency that receives a subgrant under section 109 shall use subgrant funds to develop, lead, and implement a district-wide approach to high school improvement that meets the requirements of subsection (b) and carry out the activities described in section 111.

(b) SYSTEM REQUIREMENTS.—

(1) DIFFERENTIATE HIGH SCHOOLS.—The local educational agency shall—

(A) identify the category of high school improvement, as described in section 106(b)(2), using data from the school performance indicators as prescribed by the State educational agency in accordance with section 106(b), for each high school served by such agency that does not make adequate yearly progress for 2 consecutive years; and

(B) publicly identify such schools by school improvement category.

(2) SCHOOL IMPROVEMENT TEAMS.—

(A) IN GENERAL.—The local educational agency shall convene a school improvement team for each high school served by such agency that is assigned to one of the school improvement categories described in section 106(b)(2).

(B) MEMBERS.—

(1) MANDATORY MEMBERS.—The school improvement team for a high school shall include—

(I) the principal of the high school;

(II) at least 2 teachers from the high school representing different grade levels or disciplines; and

(III) local educational agency staff.

(ii) ADDITIONAL MEMBERS.—The school improvement team for a high school shall include at least one of the following:

(I) A parent of a student in the high school.

(II) A community representative, such as a representative of nonprofit organizations serving young people and the business community.

(III) A pupil service representative.

(IV) In the case of a school in whole school reform or replacement, secondary school reform partners.

(iii) OPTIONAL MEMBERS.—The school improvement team for a high school may include State educational agency staff, if requested by the local educational agency or assigned by the State educational agency.

(C) COLLABORATION.—The local educational agency shall ensure collaboration—

(i) of school improvement teams with personnel of middle grades schools served by the local educational agency whose students will attend high schools that are identified for one of the categories described in section 106(b)(2), to the extent appropriate; and

(ii) among or between school improvement teams at schools assigned to one of the school improvement categories and school leadership and other personnel at schools served by the local educational agency that have made adequate yearly progress.

(3) USE OF DATA.—Consistent with the requirements of this section, the local educational agency shall use, at minimum, data on the following to inform the classification of high schools:

(A) School performance indicators described in section 106(b)(3).

(B) Indicators used to determine adequate yearly progress.

(C) Information about incoming students in the initial grade of the high school.

(D) Information about the student population, including data provided through the early warning indicator system described in paragraph (6)(A).

(E) The schools' capacity and needs, as described in paragraph (9).

(4) DEVELOP HIGH SCHOOL IMPROVEMENT PLANS.—The school improvement team convened under paragraph (2) for each school shall use the data described in paragraph (3), and other relevant data and knowledge regarding the school, to develop a multiyear school improvement plan. Such plan shall—

(A) identify the school annual growth targets for the State's school performance indicators described in section 106(b)(3) that meet or exceed the State's annual growth targets described in such section;

(B) define the evidence-based academic and nonacademic interventions and resources necessary to meet the school annual growth targets and make adequate yearly progress;

(C) identify the roles of the State educational agency, the local educational agency, the school, and secondary school reform partners and other external partners, as appropriate, in providing such interventions and the resources necessary to meet the school annual growth targets and make adequate yearly progress;

(D) provide for the involvement of business and community organizations and other entities, including parents and institutions of higher education, in the activities to be assisted under the subgrant;

(E) describe and direct the use of—

(i) any additional funding to be provided by the State educational agency, the local educational agency, or other sources to support activities carried out under this title; and

(ii) in the case of a high school identified for whole school reform or replacement, secondary school reform partners and external partners.

(5) IMPLEMENT HIGH SCHOOL IMPROVEMENT.—The local educational agency shall use funds to—

(A) engage in a planning period of not longer than 180 days to prepare to implement the school improvement plan for each high school, including preparation activities such as—

(i) creating a skilled leadership team and providing professional development in best practice and successful school models that educate similar student populations;

(ii) working with secondary school reform partners to identify roles and responsibilities to create a comprehensive approach and effort to implementing the school improvement plan for each school identified for targeted intervention, whole school improvement, or replacement;

(iii) planning and providing professional development to high school teachers in in-

struction, use of data, and working in the identified schools;

(iv) appropriately identifying teachers for each grade and course;

(v) establishing and implementing use of the early warning indicator system described in paragraph (6)(A); and

(vi) establishing a school schedule that enables the implementation of the high school improvement plan; and

(B) ensure the implementation of the high school improvement plans for the high schools identified for one of the categories described in section 106(b)(2).

(6) IMPLEMENT DISTRICT-WIDE ACTIVITIES.—The local educational agency shall support successful implementation of high school improvement plans and district-wide improvement through—

(A) establishing an early warning indicator system to identify students who are at risk of dropping out of high school and to guide preventive and recuperative school improvement strategies, including—

(i) identifying and analyzing the academic risk factors that most reliably predict dropouts, such as by using longitudinal data of past cohorts of students;

(ii) identifying specific indicators of student progress and performance, such as attendance, academic performance in core courses, and credit accumulation, to guide decisionmaking;

(iii) identifying or developing a mechanism for regularly collecting and analyzing data about the impact of interventions on the indicators of student progress and performance; and

(iv) analyzing academic indicators to determine whether students are on track to graduate secondary school in the standard number of years;

(B) providing academically rigorous education options that lead to a secondary school diploma consistent with readiness for postsecondary education and the workforce, based on an analysis of data described in paragraph (3) and other student-level data and designed to meet the students' needs and interests, such as—

(i) effective research-based dropout prevention, credit and dropout recovery, and recuperative education programs for students who are not making sufficient progress to graduate high school in the standard number of years or have dropped out of high school;

(ii) providing students with post-secondary learning opportunities, such as through access to a relevant curriculum or course of study that enables a student to earn a secondary school diploma and—

(I) an associate's degree; or

(II) not more than 2 years of transferable credit toward a postsecondary degree or credential;

(iii) combining rigorous academic education with career training, including training that leads to postsecondary credentials, for students;

(iv) increasing access to Advanced Placement or International Baccalaureate courses and examinations; or

(v) developing and utilizing innovative, high quality distance learning strategies to improve student academic achievement;

(C) providing targeted research-based interventions for middle schools that feed into the high schools identified by the local educational agency as needing whole school reform or replacement;

(D) identifying and implement strategies for pairing academic support with integrated student services and case-managed interventions for students requiring intensive supports, which may include partnership with other external partners;

(E) providing technical assistance to high schools identified for 1 of the categories described in section 106(b)(2) through—

(i) streamlining and prioritizing resources to organize support for schools in whole school reform or replacement, such as through identifying and developing categories or clusters of schools with similar school improvement needs; and

(ii) assisting schools in identifying secondary school reform partners and other external partners; and

(F) supporting the use of data to improve teaching and learning, including—

(i) improving longitudinal student data systems;

(ii) regularly analyzing and communicating data to educators, parents, and students that they can use; and

(iii) building principals' and teachers' data and assessment literacy.

(7) ENSURE CONTINUOUS HIGH SCHOOL IMPROVEMENT.—

(A) IN GENERAL.—The local educational agency shall ensure the continuous improvement of high schools by—

(i) evaluating the progress of each high school in making continuous and substantial progress based on the high school's annual growth targets identified under paragraph (4) for the school; and

(ii) determining the high school's progress and taking appropriate actions, as provided in subparagraphs (B) and (C).

(B) ON TRACK.—Each high school that is meeting the school's annual growth targets identified in the high school improvement plan for the high school, shall continue to implement school improvement activities in accordance with the high school improvement plan.

(C) NOT ON TRACK.—

(i) ANNUAL REVIEW.—For each high school that is not meeting the high school's annual growth targets, the local educational agency shall—

(I) after the first year that the high school fails to meet the high school's annual growth targets, review the high school improvement plan and develop and implement a new plan; and

(II) after the high school fails to meet the high school's annual growth targets for 2 or more consecutive years, reclassify the school as a school in need of whole school reform or replacement, as appropriate based on the State educational agency's categorization system described in section 106(b)(2).

(ii) RESUBMISSION OF SCHOOL PLAN.—For each high school that fails to meet the high school's annual growth targets for 2 or more consecutive years, the local educational agency may develop and submit to the State educational agency for review a new school improvement plan, as the local educational agency determines appropriate.

(8) ASSURANCES.—The local educational agency shall ensure that high schools receiving additional students due to other high schools being replaced under subsection (c) will have sufficient capacity, resources, and funding to deliver a high quality education to all students.

(9) CAPACITY AND NEEDS ASSESSMENT.—

(A) IN GENERAL.—Each school improvement team described in subsection (b)(2) and the local educational agency shall conduct a high school capacity and needs assessment for the high school served by the team that includes—

(i) a description and analysis of the high school's capacity to implement the school improvement activities identified in the high school improvement plan, including an analysis of—

(I) the number, experience, training level, responsibilities, and stability of existing ad-

ministrative, instructional, and noninstructional staff for the high school; and

(II) a review of the budget, including how Federal, State, and local funds are being spent, as of the time of the assessment, for instruction and operations at the school level for staff salaries, instructional materials, professional development, and student support services, in order to establish the extent to which existing resources need to and can be reallocated to support the needed school improvement activities;

(ii) additional resources and staff necessary to implement the school improvement activities identified in the high school improvement plan; and

(iii) an analysis of the local educational agency's capacity to provide technical assistance, additional staff, and resources to implement the high school improvement plan and to improve the high school's performance.

(B) ASSESSMENT REQUIREMENTS.—A local educational agency shall use the information provided in the capacity and needs assessment for a high school, in coordination with the high school's school improvement plan and the understanding of the reform history of high schools, to—

(i) determine the level and direct the use of—

(I) the funds requested by the local educational agency for the high school under the subgrant under this section; and

(II) any additional funding to be provided by the State educational agency, the local educational agency, or other sources; and

(ii) to determine the number and direct the use of secondary school reform partners and external partners.

(C) TECHNICAL ASSISTANCE.—A local educational agency may request technical assistance from the State educational agency in preparing the plan and the capacity and needs assessment required under this paragraph.

(c) AUTHORITY TO INTERVENE.—The State educational agency may intervene to develop or implement the high school improvement plans, or enter into contracts with secondary school reform partners to assist local educational agencies with the development and implementation of high school improvement plans, if the State educational agency determines that—

(1) a local educational agency serving a high school in whole school reform or replacement has not submitted an application described in section 109(b); or

(2) a local educational agency does not have the capacity to implement the school improvement activities described in the school improvement plan submitted under subsection (b)(4).

SEC. 111. SCHOOL IMPROVEMENT ACTIVITIES.

(a) IN GENERAL.—The school improvement team described in section 110(b)(2) for each high school identified for a school improvement category described in section 106(b)(2) shall ensure that the school improvement activities included in the school improvement plan are implemented.

(b) TARGETED INTERVENTIONS.—A high school identified for targeted interventions under section 110(b)(1) or the local educational agency serving such high school, shall implement research-based targeted interventions, using data from the school performance indicators, the early warning indicator system, other student indicators, and the capacity and needs assessment for the high school. The targeted interventions shall be designed, at a minimum, to address the specific problems identified by the indicators, including the needs of students who are not making sufficient progress to graduate in the standard number of years.

(c) WHOLE SCHOOL REFORM.—The local educational agency or State educational agency, with technical assistance from secondary school reform partners, shall enable and assist each school identified as needing whole school reform pursuant to section 110(b)(1) to implement whole school reform based on scientifically valid research using the data described in section 110(b)(3). Such reform—

(1) shall address the comprehensive aspects of high school reform, including—

(A) schoolwide needs;

(B) students who need targeted assistance; and

(C) students who need intensive interventions, including those who are not making sufficient progress to graduate on time;

(2) shall address schoolwide factors to improve student achievement, including—

(A) setting high expectations and infusing relevance into learning for all students;

(B) personalizing the high school experience; and

(C) improving school climate, including student attendance and behavior;

(3) shall include activities that—

(A) ensure continuous improvement by—

(i) ensuring the school improvement plan is supported to the extent practicable by all school staff;

(ii) establishing clear—

(I) goals and growth targets for implementation outcomes; and

(II) school annual growth targets; and

(iii) regularly evaluating implementation of and fidelity to the high school improvement plan, such as dedicating a staff member to support implementation of the school improvement plan;

(B) organize the school to improve teaching and learning, including through—

(i) strategic use of time, such as—

(I) establishing common planning time for subject area teachers and interdisciplinary teams who share common groups of students;

(II) utilizing block scheduling or redesigning the school calendar year or day to create extended learning time in core subjects; or

(III) creating a flexible school period to address specific student academic needs and interests such as credit recovery, electives, or service learning;

(ii) alignment of resources to improvement goals, such as through ensuring that students in their initial year in the high school are taught by teachers prepared to meet their specific learning needs; and

(iii) development of effective leadership structures, supports, and clear decision-making processes, such as through developing distributive leadership and leadership teams;

(C) improve curriculum and instruction, including through—

(i) increasing access to rigorous and advanced coursework, including adoption and implementation of a college- and work-ready curriculum, and evidence-based, engaging instructional materials aligned with such a curriculum, for all students;

(ii) increasing access to contextualized learning opportunities aligned with readiness for postsecondary education and the workforce, such as—

(I) providing work-based, project-based, and service-learning opportunities; or

(II) providing a high quality, college preparatory curriculum in the context of a rigorous career and technical education core;

(iii) regularly collecting and using data to inform instruction, such as—

(I) through use of formative assessments;

(II) creating and using common grading rubrics; or

(III) identifying effective instructional approaches to meet student needs; and

(iv) emphasizing core skills instruction, such as literacy, across content areas;

(D) provide students with academic and social support to address individual student learning needs, including through—

(i) increasing personalization through learning structures that facilitate the development of student and staff relationships such as—

(I) implementing grade 9 academies or thematic smaller learning communities;

(II) establishing teams of teachers who work exclusively with small groups of students; or

(III) creating advisor positions to provide students with study, organizational, and social skills;

(ii) offering extended-learning, credit recovery, mentoring, or tutoring options of sufficient scale to meet student needs;

(iii) providing evidence-based accelerated learning for students with academic skill levels below grade level;

(iv) coordinating and increasing access to integrated services, such as providing additional counselors, social workers, and behavior and mental health providers to deliver such services; and

(v) providing graduation and postsecondary planning and transition supports, including college awareness and planning;

(E) increase teacher and school leader effectiveness, including through—

(i) professional development activities that respond to student and schoolwide needs as identified through the data described in section 110(b)(3), such as—

(I) training teachers, leaders, and administrators together with staff from high schools making adequate yearly progress that serve similar populations and in such schools; and

(II) establishing peer learning and coaching among teachers; and

(ii) facilitating collaboration, including through professional communities across subject area and interdisciplinary groups and similar high schools; and

(F) engage families and community partners, including community-based organizations, organizations assisting parent involvement, institutions of higher education, and industry, in school improvement activities through evidence-based strategies; and

(4) may include—

(A) providing enabling policies, such as additional flexibility regarding staffing and compensation, budgeting, student credit attainment, or use of school time, that support the implementation of effective school improvement activities and educational options;

(B) implementing multiple school options or effective school models that address the needs of students who are not making sufficient progress to graduate in the standard number of years or have dropped out of high school, as informed by analysis of school performance indicator data described in section 106(b)(3) and early warning indicator system data described in section 110(b)(6)(A); and

(C) other activities designed to address whole school needs, such as implementing a comprehensive reform model for the high school.

(d) **REPLACEMENT.**—The local educational agency, in consultation with the State educational agency, secondary school reform partners, and external partners, shall replace each high school that, using data under section 110(b)(3), is identified for replacement pursuant to section 110(b)(1). The local educational agency shall ensure successful implementation of the replacement strategy through—

(1) closing and reopening the schools or implementing multiple school options or effective school models that address the needs of students in the replaced schools, including students who are not making sufficient

progress to graduate in the standard number of years or have dropped out of high school;

(2) providing enabling policies, such as additional flexibility regarding staffing and compensation, budgeting, or use of school time; and

(3) implementing activities described in subsection (c).

SEC. 112. EVALUATION AND REPORTING.

(a) **LOCAL EDUCATIONAL AGENCY REPORTING.**—On an annual basis, each local educational agency receiving a subgrant under section 109 shall report to the State educational agency and to the public on—

(1) the identified category of school improvement for each high school in the school that failed to make adequate yearly progress for the most recent 2 consecutive years;

(2) the school performance indicators (as described in section 106(b)(3)) for each such high school, in the aggregate and disaggregated by the subgroups described in section 111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(3) each such high school's progress in meeting the high school's annual growth targets under section 110(b)(4)(A); and

(4) the use of funds by the local educational agency and each such school.

(b) **STATE EDUCATIONAL AGENCY REPORTING.**—On an annual basis, each State educational agency receiving a grant under this title shall prepare and submit to the Secretary, and make available to the public, a report on—

(1) the school performance indicators (as described in section 106(b)(3)) for each high school served by the State educational agency that receives assistance under this title, in the aggregate and disaggregated by the subgroups described in section 111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(2) progress in meeting the annual growth targets under section 110(b)(4)(A) for each such high school;

(3) the high schools in the State that have changed school improvement categories pursuant to section 110(b)(7);

(4) the use of funds by each local educational agency and each school served with such funds;

(5) the State definition of a new school, for purposes of whole school reform or replacement;

(6) the number of schools closed for each local educational agency in the State;

(7) the number of new schools for each local educational agency in the State; and

(8) the new schools in the State that have made adequate yearly progress.

(c) **REPORT TO CONGRESS.**—Every 2 years, the Secretary shall prepare and submit to Congress and make available to the public—

(1) a summary of the State reports under subsection (b); and

(2) a report on the use of funds by each State under this title.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the activities authorized under this title, \$2,440,000,000 for fiscal year 2011 and each of the 4 succeeding fiscal years.

TITLE II—DEVELOPMENT OF EFFECTIVE SCHOOL MODELS

SEC. 201. PURPOSES.

The purposes of this title are—

(1) to facilitate the development and implementation of effective secondary school models for struggling students and dropouts in order to raise secondary school graduation rates and more effectively prepare students for postsecondary education and the workforce; and

(2) to build the capacity of State educational agencies, local educational agen-

cies, nonprofit organizations, and institutions of higher education to implement effective secondary school models for struggling students and dropouts.

SEC. 202. DEFINITIONS.

In this title:

(1) **DROPOUT.**—The term “dropout” means an individual who—

(A) is not older than 21;

(B) is not attending any school; and

(C) has not received a secondary school diploma or its recognized equivalent.

(2) **EFFECTIVE SCHOOL MODEL.**—The term “effective school model” means—

(A) an existing secondary school model with demonstrated effectiveness in improving student academic achievement and outcomes for off-track students or dropouts; or

(B) a proposed new secondary school model design that is based on research-based organizational and instructional practices for improving student academic achievement and outcomes for struggling students or dropouts.

(3) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a local educational agency, nonprofit organization, or institution of higher education—

(i) that proposes to enhance or expand an existing effective school model for off-track students or dropouts; or

(ii) that has a track record of serving struggling students or dropouts and proposes to develop a new effective school model for off-track students or dropouts; or

(B) a partnership involving 2 or more entities described in subparagraph (A).

(4) **LATE ENTRANT ENGLISH LANGUAGE LEARNER.**—The term “late entrant English language learner” means a high school student who—

(A) enters a school served by a local educational agency at grade 9 or higher; and

(B) is identified by the local educational agency as being limited English proficient and as having experienced interrupted formal education.

(5) **STRUGGLING STUDENT.**—The term “struggling student” means—

(A) means a high school-aged student who is not making sufficient progress toward graduating from secondary school with a regular diploma in the standard number of years; and

(B) includes a student who—

(i) has been retained in grade level;

(ii) is an undercredited student; or

(iii) is a late entrant English language learner.

(6) **UNDERCREDITED STUDENT.**—The term “undercredited student” means a high school student who lacks either the necessary credits or courses, as determined by the relevant local educational agency and State educational agency, to graduate from secondary school with a regular diploma in the standard number of years.

SEC. 203. GRANTS AUTHORIZED.

(a) **IN GENERAL.**—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop and implement, or replicate, effective school models for struggling students and dropouts.

(b) **PERIOD OF GRANT.**—A grant awarded under this section shall be for a period of 5 years.

SEC. 204. APPLICATION.

(a) **IN GENERAL.**—Each eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) **CONTENTS.**—Each application submitted under this section shall include a description of—

(1) how the eligible entity will carry out the mandatory activities under section 206(a);

(2) the research or evidence concerning the effective school model that the eligible entity proposes to develop and implement or replicate, including—

(A) for an existing effective school model described in section 202(2)(A), the evidence that the model has improved academic outcomes for struggling students or dropouts; or

(B) for a proposed effective school model described in section 202(2)(B), the research that supports the key organizational and instructional practices of the proposed effective school model;

(3) the eligible entity's school design elements and principles that will be used in the effective school model, including—

(A) the academic program;

(B) the instructional practices;

(C) the methods of assessment; and

(D) student supports and services, such as the supports and services provided by the school or offered by other organizations and agencies in the community, to support positive student academic achievement and outcomes;

(4) how the eligible entity will use student data from the local educational agency or State educational agency to evaluate and improve academic outcomes for struggling students or dropouts;

(5) for each school in which the eligible entity implements or replicates an effective school model under this title, how the eligibility entity will sustain the implementation or replication of the effective school model, including the financing mechanism to be used;

(6) how the eligible entity will collect data and information to assess the performance of the effective school model and will make necessary adjustments to ensure continuous and substantial improvement in student academic achievement and outcomes; and

(7) how the eligible entity will make the performance data available to State educational agencies, local educational agencies, and schools serving struggling students or dropouts.

SEC. 205. SECRETARIAL PEER REVIEW AND APPROVAL.

The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of applications submitted by eligible entities under section 204; and

(2) appoint individuals to the peer-review process who are experts in high school reform, dropout prevention and recovery, new school development for struggling students and dropouts, and adolescent and academic development.

SEC. 206. USE OF FUNDS.

(a) MANDATORY USE OF FUNDS.—An eligible entity receiving a grant under this title shall use grant funds to—

(1) enhance and expand, or replicate an existing effective school model described in section 202(2)(A), or develop a proposed effective school model described in section 202(2)(B), for struggling students and dropouts;

(2) assess the progress of the implementation or replication of the effective school model and make necessary adjustments to ensure continuous improvement;

(3) provide opportunities for professional development associated with the continuous improvement and implementation or replication of the effective school model;

(4) collect data and information on the school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts and disseminate such data and information to State

educational agencies, local educational agencies, and schools; and

(5) build the capacity of the eligible entity to—

(A) sustain the implementation or replication of the effective school model assisted under paragraph (1) after the grant period has ended; and

(B) replicate the effective school model.

(b) OPTIONAL USE OF FUNDS.—An eligible entity receiving a grant under this title may use grant funds—

(1) to identify and create partnerships needed to improve the academic achievement and outcomes of the students attending a school assisted under this title;

(2) to support family and community engagement in the effective school model; and

(3) to carry out any additional activities that the Secretary determines are within the purposes described in section 201.

SEC. 207. EVALUATION AND REPORTING.

(a) CONTENTS OF REPORT.—Each eligible entity receiving a grant under this title shall annually report to the Secretary on—

(1) the data and information being gathered to assess the effective school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts;

(2) the implementation status of the models, any barriers to implementation, and actions taken to overcome the barriers;

(3) any professional development activities to build the capacity of—

(A) the eligible entity to sustain or replicate the effective school model; or

(B) the staff of a school assisted under this title to implement or improve the effective school model;

(4) the progress made in improving student academic achievement and outcomes in the effective school models for struggling students and dropouts; and

(5) the use of grant funds by the eligible entity.

(b) INDEPENDENT EVALUATIONS.—The Secretary shall reserve not more than \$5,000,000 to carry out an independent evaluation of the grant program under this title and the progress of the eligible entities receiving grants under this title.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$60,000,000 for fiscal year 2011 and each of the 4 succeeding fiscal years.

Mr. REID. Mr. President, I rise today with my friend Senator BINGAMAN, a longtime champion on the issue of dropout prevention and improving graduation rates, to introduce the Graduation Promise Act—comprehensive legislation to help improve graduation rates in this country and transform some of our lowest performing high schools. I am so pleased to be joined by Senators DODD, MURRAY, REED, BROWN, CASEY, MERKLEY, and FRANKEN in introducing this legislation.

During the August recess, I was honored to welcome the Education Secretary, Arne Duncan, to Nevada. We held a meeting with education leaders, teachers, students, parents, and other stakeholders from across Nevada to discuss the issue of dropout prevention and turning around low performing schools.

In his remarks, Secretary Duncan said something that really put the issue of high school dropouts in perspective. Four years ago, he said, there were 36,000 ninth graders in Nevada.

Last year, that same class of students, was down to 22,000 twelfth graders. Where, Secretary Duncan asked, did those other 14,000 students go?

Keeping those 14,000 Nevada students in school and on track to graduate from high school is why I have joined Senator BINGAMAN and my colleagues in this effort.

Of course this issue is not just a problem in Nevada; it is a nationwide crisis. Nearly one in three high school students in the U.S. fail to graduate. For African-American and Latino students, less than 50 percent complete high school on time. In total, approximately 1.3 million students drop out each year—that is more than 7,000 a day. For those that do graduate, fewer than half are fully prepared for college or the workforce.

These statistics confirm that millions of young Americans are being robbed of their best chances to succeed.

The social and economic implications of the dropout crisis are severe and lasting. Let me illustrate with data from Nevada's class of 2008—the 14,000 Nevada students that Secretary Duncan referred to—those who started school with the class of 2008 but did not graduate with their peers.

These students will cost the State's economy an estimated \$5 billion in lost wages over the course of their lifetimes. They will earn an average of almost \$10,000 less each year compared to their classmates who finished high school. They are also more likely to become parents before they are ready, become incarcerated, or need public assistance.

This fate is particularly true of students concentrated in those high schools where 60 percent or fewer of the entering freshmen actually graduate as seniors 4 years later. Research shows that there are currently about 2,000 high schools across the Nation that collectively produce almost half of America's dropouts. Year after year, students in these schools fall further and further behind.

Where the United States once ranked at or near the top among industrial democracies in high school graduation rates, today we are 19th. In today's global economy, a high school diploma is the minimum qualification needed for jobs in the fastest-growing sectors. This situation is not only economically untenable, it is morally unacceptable.

Tackling the dropout crisis requires a comprehensive solution. As this is a nationwide problem, it requires a more robust role for the federal government. Since the No Child Left Behind Act, federal support for education has increased significantly. Yet despite these additional resources, less than 10 percent of federal education funding goes to our nation's high schools.

The legislation we introduce today would provide that needed support to struggling high schools across the country. The Graduation Promise Act would authorize \$2.4 billion to create a "High School Improvement and Dropout Reduction Fund" in order to turn

around America's lowest performing high schools and ensure students graduate from high school ready for college or a career. The fund would support states and school districts as they develop comprehensive high school improvement systems.

In order to help those students who are most at risk of dropping out of school, federal resources would be directed to the lowest-performing schools. These resources would support proven school improvement activities and strategies based on each school's needs.

Schools across Nevada are already implementing proven strategies in the schools that need them the most—strategies like extending the school day or year; dividing large urban schools into smaller, more personal learning academies; expanding summer learning opportunities; or partnering schools with colleges and universities to allow high school students to take and receive credit for college-level courses.

At Valley High School in Las Vegas, the school that recently hosted Secretary Duncan, strategies like extended learning time, weekend and after-school enrichment, smaller learning communities, and magnet programs, turned the school around and will most certainly help more students graduate on time and ready for college or the workforce.

In the Clark County Schools District in southern Nevada, some of the most cutting-edge career and technical academies in the country have recently opened. These programs—in engineering and design, medical occupations and media communications—have been recognized for helping to increase graduation rates.

In northern Nevada, the Washoe County School District has teamed up with one of the local community colleges. The Truckee Meadows Community College High School now allows students to take a combination of college and high school courses, and they get credit on both levels. Not only do these students complete more challenging, college-level coursework, but they are laying the groundwork for success in college and the workforce.

The bottom line is that all of these strategies keep students engaged and help prevent them from dropping out. The Graduation Promise Act will allow schools to replicate these strategies so that all students can achieve their full potential. I hope my colleagues will join me in supporting this important bill.

By Mr. REED (for himself, Mr. KERRY, Mr. KOHL, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN, Mr. CASEY, Mr. WHITEHOUSE, and Mr. BURRIS):

S. 1699. A bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other

purposes; to the Committee on Finance.

Mr. REED. 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. 1699

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 “Unemployment Compensation Extension Act of 2009”.

SEC. 2. ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(d) FURTHER ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter ‘additional emergency unemployment compensation’) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘further additional emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

“(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if such a period would then be in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970 if—

“(A) section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) section 203(f) of such Act were applied to such State—

“(i) regardless of whether or not the State had by law provided for its application;

“(ii) by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(iii) as if it did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) COORDINATION RULE.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any further additional emergency unemployment compensation, if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of additional emergency unemployment compensation.

“(4) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) by striking “then section 4002(c)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such section)” and inserting “paragraph (2) of such subsection (c) or (d) (as the case may be))”.

(c) TRANSFER OF FUNDS.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “Act;” and inserting “Act and the Unemployment Compensation Extension Act of 2009;”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking “through 2009” in paragraph (1) and inserting “through 2010”, and

(2) by striking “calendar year 2010” in paragraph (2) and inserting “calendar year 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

SEC. 4. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.

(a) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”.

(b) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect six months after the date of enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 5. COLLECTION IN ALL STATES OF UNEMPLOYMENT COMPENSATION DUE TO FRAUD.

(a) IN GENERAL.—Subsection (f) of section 6402 of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to refunds payable on or after the date of the enactment of this Act.

By Mr. LUGAR (for himself, Mr. CARDIN, Mr. SCHUMER, Mr. WICKER, Mr. FEINGOLD, and Mr. WHITEHOUSE):

S. 1700. A bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress

that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LUGAR. Mr. President, I rise to introduce the Energy Security Through Transparency Act of 2009 on behalf of myself, Senator CARDIN, Senator SCHUMER, Senator WICKER, and Senator FEINGOLD. The Energy Security Through Transparency, ESTT, bill takes important steps towards reversing the resource curse by revealing payments made here and abroad to governments for oil, gas and minerals.

The Energy Security Through Transparency Act builds on the findings of a Senate Foreign Relations Committee staff report entitled the "Petroleum and Poverty Paradox: Assessing U.S. and International Community Efforts to Fight the Resource Curse" which noted that many resource-rich countries that should be well-off are, in fact, terribly poor. History shows that oil, gas reserves and minerals frequently can be a bane, not a blessing, for poor countries, leading to corruption, wasteful spending, military adventurism, and instability. Too often, oil money intended for a nation's poor lines the pockets of the rich, or is squandered on showcase projects instead of productive investments.

A classic case is Nigeria, the eighth-largest oil exporter. Despite half a trillion dollars in revenues since the 1960s, poverty has increased, corruption is rife, and violence roils the oil-rich Niger Delta.

The "resource curse" affects us as well as producing countries. It exacerbates global poverty which can be a seedbed for terrorism, it empowers autocrats and dictators, and it can crimp world petroleum supplies by breeding instability.

ESTT expresses the Sense of Congress that the administration should undertake to become an "implementing" country of the Extractive Industry Transparency Initiative, EITI. EITI is a major international transparency effort which sets a global framework for companies to publish what they pay and for governments to disclose what they receive. EITI's revenue data is intended to provide citizens with basic but crucial information necessary to effectively monitor government stewardship of natural resource revenues; hold decision-makers accountable for the use of public funds; and signal investors that a given country offers a transparent, rule of law-based business environment. The Bush administration supported the EITI through its participation on the board through the initiative's critical first several years.

As an implementing country, the U.S. would commit to disclosing payments from companies for oil, gas and minerals extracted from federal lands. Norway has recently signed up to become an implementing country, along

with thirty developing countries. The U.S. commitment to implementing EITI would add to our current commitment to EITI as a supporting country. This bill would ensure that not only was the U.S. promoting EITI with other countries, but that we were benefiting from the structured transparency here at home.

This bill commits the Department of Interior to disclosing extractive payments received for resources derived from federal lands. In a letter I received from Secretary Salazar on June 19, 2009, he wrote that "the Department of the Interior is in agreement with the goals set forth in the EITI especially concerning transparency in the management of extraction of minerals from Federal Lands." He went on to add that "the DOI is committed to an ongoing effort to improve the quality of our services by taking accountability for our actions and fulfilling our commitments to the public and all our customers in an open, transparent manner."

ESTT requires companies listed on U.S. stock exchanges to disclose in their regular SEC filings their extractive payments to foreign governments for oil, gas and mining which builds on the EITI requirement that all extractive companies operating in an EITI implementing country must report their payments to the government. This would allow investors to better evaluate the potential country risk faced by companies. It would also allow people to have information about the funds sent to their governments in non-EITI implementing countries.

An issue has been raised over whether this would impose a burdensome reporting requirement on the companies and whether the payments made by companies to extractive countries are relevant to investors looking into finances of those companies. This bill would not require the companies to collect any new information, but to report publicly financial figures they already maintain. Many oil companies who work in EITI countries already file this information in the form required by EITI. It is expected that the SEC will follow the reporting requirements established under EITI, which were developed in conjunction with the oil industry. The legislation also gives the SEC some discretion, which should ensure ease of compliance. Regarding materiality, many analysts say that among the root causes of the current financial crisis were a failure by investors to have access to sufficient information about their investments, and an excessive reliance on the judgments of the ratings agencies, which proved to be highly faulty. That experience argues strongly for more disclosure and information. Considering the well-established link between oil payments and the business climate, many investors might be interested in this information—particularly socially responsible investors.

This legislation also encourages the President to work with members of the

G-8, G-20, the Organization for Economic Cooperation and Development and the Asia-Pacific Economic Cooperation to promote similar disclosure through their exchanges and jurisdictions. As Secretary Clinton noted in her questions for the record on January 12, 2009, "President-Elect Obama has put a high priority on promoting transparency in government more broadly. I look forward to working with the President-Elect and the Treasury Department to promote greater transparency at the G-8 and now G-20 as well."

In developing this legislation, my staff consulted with the Security and Exchange Commission, the Treasury Department, the Interior Department, energy companies, mining companies, the industry representatives, and non-governmental organizations.

When financial markets see stable economic growth and political organization in resource rich countries, supplies are more reliable and risk premiums factored into process at the gas pump are diminished. Information is critical to maintaining healthy economies and of healthy political systems. I ask for your support on passage of this bill.

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. 1700

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 "Energy Security Through Transparency Act of 2009".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is in the interest of the United States to promote good governance in the extractive industries sector because good governance strengthens the national security and foreign policy of the United States, contributes to a better investment climate for businesses in the United States, increases the reliability of commodity supplies upon which businesses and people in the United States rely, and promotes greater energy security.

(2) Developing countries that derive a significant portion of revenues from natural resource extraction tend to have higher poverty rates, weaker governance, higher rates of conflict, and poorer development records than countries that do not rely on resource revenues. The consequences of what is known as the "resource curse" including the erosion of civil society, a rise in internal conflicts and regional violence, and the proliferation of terrorism are likely to pose a long-term threat to the national security, foreign policy, and economic interests of the United States.

(3) Transparency in revenue payments to governments enables citizens to hold their leaders more accountable.

(4) There is a growing consensus among oil, gas, and mining companies that transparency in revenue payments is good for business, since it improves the business climate in which they work and fosters good governance and accountability.

(5) Transparency in revenue payments benefits shareholders of corporations that make

such payments because such shareholders have a desire to know the amount of such payments in order to assess financial risk, compare payments from country to country, and assess whether such payments help to create a more stable investment climate. Undisclosed payments may be perceived as corrupt and as decreasing the value of the corporation.

SEC. 3. SENSE OF CONGRESS RELATING TO TRANSPARENCY FOR EXTRACTIVE INDUSTRIES.

It is the sense of Congress that—

(1) the President should work with foreign governments, including members of the Group of 8 and the Group of 20, to establish domestic requirements that companies under the jurisdiction of each government publicly disclose any payments made to a government relating to the commercial development of oil, natural gas, and minerals; and

(2) the United States Government should commit to global leadership of transparency in extractive industries by supporting—

(A) multilateral pro-transparency efforts, such as the Extractive Industries Transparency Initiative, in revenue collection, budgeting, expenditure, and wealth management;

(B) bilateral efforts to promote good governance in the extractive industries through United States missions and activities abroad;

(C) the implementation of extractive industries reporting requirements for companies under the jurisdiction of the United States similar to the requirements established under section 6 of this Act; and

(D) efforts to persuade other members of the Organization for Economic Cooperation and Development and Asia-Pacific Economic Cooperation to adopt uniform legislation to ensure a coordinated regulatory approach.

SEC. 4. SENSE OF CONGRESS RELATING TO THE EXTRACTIVE INDUSTRY TRANSPARENCY INITIATIVE.

It is the sense of Congress that the President should commit the United States to become a Candidate Country of the Extractive Industry Transparency Initiative.

SEC. 5. DISCLOSURE OF PAYMENTS TO THE UNITED STATES.

The Secretary of the Interior shall disclose to the public any payment (as that term is defined in section 13(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(m)), as added by section 6 of this Act) relating to the commercial development of oil, natural gas, and minerals on Federal land made by any person to the Federal Government.

SEC. 6. DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

“(m) DISCLOSURE OF PAYMENT BY RESOURCE EXTRACTION ISSUERS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘commercial development of oil, natural gas, or minerals’ includes the acquisition of a license, exploration, extraction, processing, export, and other significant actions relating to oil, natural gas, or minerals, as determined by the Commission;

“(B) the term ‘foreign government’ means a foreign government, an officer or employee of a foreign government, an agent of a foreign government, a company owned by a foreign government, or a person who will provide a personal benefit to an officer of a government if that person receives a payment, as determined by the Commission;

“(C) the term ‘payment’—

“(i) means a payment that is—

“(I) made to further the commercial development of oil, natural gas, or minerals; and

“(II) not de minimis; and

“(ii) includes taxes, royalties, fees, licenses, production entitlements, bonuses, and other material benefits, as determined by the Commission; and

“(D) the term ‘resource extraction issuer’ means an issuer that—

“(i) is required to file an annual report with the Commission; and

“(ii) engages in the commercial development of oil, natural gas, or minerals.

“(2) DISCLOSURE.—

“(A) INFORMATION REQUIRED.—Not later than 270 days after the date of enactment of the Energy Security Through Transparency Act of 2009, the Commission shall issue final rules that require each resource extraction issuer to include in the annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary or partner of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government for the purpose of the commercial development of oil, natural gas, or minerals, including—

“(i) the type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals; and

“(ii) the type and total amount of such payments made to each foreign government.

“(B) INTERNATIONAL TRANSPARENCY EFFORTS.—To the extent practicable, the rules issued under subparagraph (A) shall support the commitment of the United States Government to international transparency promotion efforts relating to the commercial development of oil, natural gas, or minerals.

“(C) EFFECTIVE DATE.—With respect to each resource extraction issuer, the final rules issued under subparagraph (A) shall take effect on the date on which the resource extraction issuer is required to submit an annual report relating to the fiscal year of the resource extraction issuer that ends not earlier than 1 year after the date on which the Commission issues final rules under subparagraph (A).

“(3) PUBLIC AVAILABILITY OF INFORMATION.—

“(A) IN GENERAL.—To the extent practicable, the Commission shall make available online, to the public, a compilation of the information required to be submitted under the rules issued under paragraph (2)(A).

“(B) OTHER INFORMATION.—Nothing in this paragraph shall require the Commission to make available online information other than the information required to be submitted under the rules issued under paragraph (2)(A).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this subsection.”

By Mr. UDALL of Colorado (for himself and Mr. RISCH):

S. 1702. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain states; to the Committee on Environment and Public Works.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Target Practice and Marksmanship Training Support Act. I am introducing this bill with the support of Senator RISCH, and I thank my colleague for joining me in this bipartisan effort.

This bill would provide funding flexibility to the States to help construct and maintain needed shooting ranges—

safe and designated areas where people can sharpen their marksmanship and enjoy recreational shooting.

For a variety of reasons, the number of places where people can safely engage in recreational shooting and target practicing has steadily dwindled. This includes areas on our national public lands. In an effort to establish, maintain and promote safe and established areas for such activities, this legislation would allow States to allocate a greater proportion of their Federal wildlife funds for these purposes.

Currently, states are allocated funds for a variety of wildlife purposes under the Pittman-Robertson Act. This Act, which established a 10 percent excise tax on sporting equipment and ammunition, distributes these funds to States for specific purposes. One of these purposes includes hunter safety programs and the development and maintenance of shooting ranges. However, the Act currently contains certain limitations on the use of these funds for the purpose of shooting ranges.

The Target Practice and Marksmanship Training Support Act would amend the Pittman-Robertson Act by adjusting the funding limitations so that States have more funds available for the creation and maintenance of shooting ranges. Specifically, the bill would do a number of things.

First, it would authorize States to charge up to 90 percent instead of the current 75 percent of the costs for acquiring land for, expanding, or constructing a public target range on Federal or non-federal land to its allotted Pittman-Robertson allocations, and therefore States would only need to find 10 percent match, as opposed to 25 percent.

Second, it would allow the Pittman-Robertson funds allotted to a State to remain available for 5 fiscal years, instead of the current 1 fiscal year, for use in acquiring land for, expanding, or constructing a public target range on Federal or non-federal land.

Third, it would limit the liability exposure to the Federal land agencies, the Forest Service and the Bureau of Land Management, regarding the use of Federal land for target practice or marksmanship training.

Fourth, it would encourage the Federal land agencies, the Forest Service and the Bureau of Land Management, to cooperate with State and local authorities to maintain target ranges on Federal land so as to encourage their continued use.

To be clear, the bill would not allocate any new funding to the construction of shooting ranges, it would not raise any fees or taxes, nor would it require States to apply their allocated Pittman-Robertson funds to shooting ranges. Instead, by reducing the State matching requirements—and allowing States to “bank” these funds for 5 years, the bill allows States to use their Pittman-Robertson funds as they think best while also allowing them to

extend their existing license fee revenue and other State generated funds on other important programs, such as wildlife habitat.

I would like to thank the following groups who have expressed support for this legislation: the National Rifle Association, the National Governing Body for the Olympic Shooting Sports, the Colorado Firearms Coalition, the Colorado Wildlife Federation, the Colorado Backcountry Hunters and Anglers, and the Rocky Mountain Bighorn Society.

I believe that hunting and recreational shooting are legitimate activities—activities that also are appropriate where not prohibited on our public lands. This bill is designed to maintain these activities in a safe and convenient manner. It is my hope that the public lands agencies continue to work with the States, sportsmen and hunters, the recreational shooting interests, nearby communities, and others so that these opportunities are safe and available.

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. 1702

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 “Target Practice and Marksmanship Training Support Act”.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the use of firearms for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States funds that can be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this Act is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 3. DEFINITION OF PUBLIC TARGET RANGE.

In this Act, the term “public target range” means a specific location that—

- (1) is identified by a governmental agency for recreational shooting;
- (2) is open to the public;
- (3) may be supervised; and
- (4) may accommodate rifle, pistol, or shotgun shooting.

SEC. 4. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate rifle, pistol, or shotgun shooting.”;

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”;

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL FUNDS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided by paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(c) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

SEC. 5. LIMITS ON LIABILITY.

(a) DISCRETIONARY FUNCTION.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”), any action by an agent or employee of the United States to authorize the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.

(b) CIVIL ACTION OR CLAIMS.—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

SEC. 6. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range in order to encourage continued use of that land for target practice or marksmanship training.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 281—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL CAMPUS SAFETY AWARENESS MONTH”

Mr. SPECTER (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 281

Whereas people on college and university campuses are not immune from the potential acts of crime that the rest of society in the United States faces;

Whereas, pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f)), colleges and universities reported that from 2005 to 2007, 117 murders, 10,563 forcible-sex offenses, 16,632 aggravated assaults, and 3,226 cases of arson occurred on or around college and university campuses;

Whereas criminal experts estimate that between 20 to 25 percent of female undergraduate students become victims of rape or attempted rape;

Whereas the aggressor in a sexual assault is usually an acquaintance or friend of the victim;

Whereas less than 5 percent of the victims of sexual assaults report those assaults to law enforcement;

Whereas each year 13 percent of female students enrolled in an undergraduate program at a college or university will be victims of stalking;

Whereas approximately 1,825 college and university students between the ages of 18 and 24 die each year from unintentional, alcohol-related injuries, including motor vehicle accidents;

Whereas Security On Campus, Inc., a national nonprofit group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month;

Whereas, each September since 2005, Security On Campus, Inc. has partnered with colleges and universities across the United States to offer educational programming on sexual assault, alcohol and drug abuse, hazing, stalking, and other critical campus safety issues; and

Whereas National Campus Safety Awareness Month provides an opportunity for campus communities to become engaged in efforts to improve campus safety: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Campus Safety Awareness Month; and

(2) encourages colleges and universities throughout the United States to provide campus safety and other crime awareness and prevention programs to students throughout the year.

Mr. SPECTER. Mr. President, I have sought recognition today to submit a resolution supporting the goals and ideals of a National Campus Safety Awareness Month. Educational institutions should be safe havens where we send our children to learn and grow without fear for their protection and wellbeing, but unfortunately this is not always the case. On April 5, 1986, in the early morning hours, Jeanne Clery, a 19-year-old Lehigh University student was brutally raped and murdered in her dormitory room. This heinous crime in Bethlehem, Pennsylvania opened the nation's eyes to the true extent of crime on college and university campuses.

When I was District Attorney of Philadelphia, I dealt with many incidents of campus crime and I learned firsthand of its severity. However, I believe that many would be surprised by the extent of the problem. Colleges and universities have reported that from 2005 to 2007, 117 murders, 10,563 forcible-sex offenses, 16,632 aggravated assaults, and 3,226 cases of arson have occurred on or around college and university campuses. Criminal experts estimate that between 20 and 25 percent of female undergraduate students become victims of rape or attempted rape. And each year 13 percent of female students enrolled in an undergraduate program at a college or university are victims of stalking. Additionally, approximately 1,825 college and university students between the ages of 18 and 24 die each year from unintentional, alcohol-related injuries, including motor vehicle accidents.

Since their daughter's death, Connie Clery and her late husband Howard worked tirelessly in their daughter's memory to protect the lives of college students by warning them of these aforementioned dangers. They founded Security On Campus, Inc., a national nonprofit based in King of Prussia,

Pennsylvania, which is dedicated to promoting safety and security on college and university campuses. Security On Campus, Inc. has found that the beginning of each new school year can be a dangerous time for students, especially for first-year students who are in a new environment and on their own for the first time. For this reason, Security On Campus, Inc. has designated September as National Campus Safety Awareness Month.

Each September since 2005, Security On Campus, Inc. has partnered with colleges and universities across the United States to offer educational programming on critical campus safety issues. In 2008, Security On Campus, Inc. partnered with more than 350 institutions across the country, including 29 from Pennsylvania, to participate in National Campus Safety Awareness Month during September. Campuses offered a wide array of safety programming throughout the month covering everything from the most serious issues of sexual assault and the risks of alcohol abuse to how to protect personal property from burglary. Additionally, Security On Campus, Inc. offers educational videos on sexual assault, alcohol abuse, hazing and stalking that are often integrated into NCSAM programming. Other programming includes safety carnivals set up in high pedestrian traffic areas like student centers or cafeterias, door hangers with safety tips in residence halls, residence hall floor programs, fire safety presentations, Fatal Vision goggles for DUI's, and the Rape, Abuse & Incest National Network's Get Carded Day.

When the Clerys approached me shortly after their daughter's murder, I worked with them to develop the Crime Awareness and Campus Security Act of 1989, which became law in 1990. This Act was modified and included in the Higher Education Act of 1998, as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Since this legislation was enacted, the issue of campus crime has become a routine part of the college selection process, and crime statistics are readily available on the internet so families can compare colleges. It is clear that this legislation has had a positive impact on college and university campus safety. In fact, the U.S. Department of Justice reported that between 1994 and 2004 there was a 9 percent drop in violent crime on campus and a 30 percent drop in property crime. However, it is important to remember that while the law has significantly changed the landscape of campus security for the better, it is evident that more work remains to be done. That is why I continue to advocate for the goals of the National Campus Safety Awareness Month.

Throughout the past several years, I have worked together with the Clerys, Security On Campus, Inc., and crime prevention professionals on campus across the country to help raise much

needed awareness about these dangers. Thus, I urge my colleagues to join me in this effort by supporting the goals and ideals of a National Campus Safety Awareness Month.

SENATE RESOLUTION 282—REMEMBERING THE 20TH ANNIVERSARY OF HURRICANE HUGO, WHICH STRUCK CHARLESTON, SOUTH CAROLINA ON SEPTEMBER 21 THROUGH SEPTEMBER 22, 1989

Mr. GRAHAM (for himself and Mr. DEMINT) submitted the following resolution; which was considered and agreed to:

S. RES. 282

Whereas September 21 through September 22, 2009, marks the 20th anniversary of Hurricane Hugo, one of the most destructive storms in United States history, making landfall in South Carolina;

Whereas Hurricane Hugo, with a storm surge that rose as high as 20 feet along the South Carolina coast, killed 57 people in the mainland United States and 29 people in the United States Caribbean islands and left an estimated 65,000 people homeless;

Whereas Hurricane Hugo resulted in 4 presidential disaster declarations, for the United States Virgin Islands, Puerto Rico, South Carolina, and North Carolina;

Whereas Hurricane Hugo inflicted an estimated \$7,000,000,000 in total damages within the United States and an additional \$3,000,000,000 in damages to the United States Virgin Islands;

Whereas Hurricane Hugo set a record as the most expensive hurricane to strike the United States up until that time;

Whereas Hurricane Hugo underscored the critical value of early evacuation, bold leadership, and personal and regional preparation and planning;

Whereas the people of South Carolina rose to meet Hurricane Hugo, working tirelessly to prepare for the storm and to assist their fellow citizens in its aftermath;

Whereas Hurricane Hugo was a reminder of the kindness and compassion of people, as help came from all parts of the Nation to assist in the areas damaged by Hugo;

Whereas the magnitude of the Hurricane Hugo disaster and difficulties with the Federal response led to important changes to the preparedness and response efforts of the Federal Government with respect to hurricanes in the United States; and

Whereas September is National Preparation Month and the President has emphasized the responsibility of all people of the United States to take time to prepare for potential emergencies by preparing an emergency supply kit and a family emergency plan, and to educate themselves about potential disasters: Now, therefore, be it

Resolved That the Senate—

(1) recognizes the historical significance of the 20th anniversary of Hurricane Hugo; and
(2) remembers the victims of Hurricane Hugo.

SENATE RESOLUTION 283—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF THE FIRST ANNUAL NATIONAL WILD HORSE AND BURRO ADOPTION DAY TAKING PLACE ON SEPTEMBER 26, 2009

Mr. REID (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, and Ms. LANDRIEU)

submitted the following resolution; which was considered and agreed to:

S. RES. 283

Whereas, in 1971, in Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.), Congress declared that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West;

Whereas, under that Act, the Secretary of the Interior and the Secretary of Agriculture have responsibility for the humane capture, removal, and adoption of wild horses and burros;

Whereas the Bureau of Land Management and the Forest Service are the Federal agencies responsible for carrying out the provisions of the Act;

Whereas a number of private organizations will assist with the adoption of excess wild horses and burros, in conjunction with the first National Wild Horse and Burro Adoption Day; and

Whereas there are approximately 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses awaiting adoption: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of a National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretary of Interior and the Secretary of Agriculture;

(2) recognizes that creating a successful adoption model for wild horses and burros is consistent with Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.) and beneficial to the long-term interests of the people of the United States in protecting wild horses and burros; and

(3) encourages citizens of the United States to adopt a wild horse or burro so as to own a living symbol of the historic and pioneer spirit of the West.

SENATE RESOLUTION 284—EX-PRESSING SUPPORT FOR THE DESIGNATION AND GOALS OF "NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK" FOR THE PERIOD BEGINNING ON SEPTEMBER 21, 2009, AND ENDING ON SEPTEMBER 25, 2009

Ms. STABENOW (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas the Healthcare Information and Management Systems Society has collaborated with more than 5 dozen stakeholder organizations for almost 50 years to transform health care by improving information technology and management systems;

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to health care each year;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas Congress has made a commitment to leveraging the benefits of the health care information technology and management systems, including through the adoption of electronic medical records that will help to reduce costs and improve quality while ensuring patients' privacy and codification of

the Office of the National Coordinator for Health Information Technology;

Whereas Congress has emphasized improving the quality and safety of delivery of health care in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the health care system that the implementation of health information technology could achieve: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the value of information technology and management systems in transforming health care for the people of the United States;

(2) designates the period beginning on September 21, 2009, and ending on September 25, 2009, as "National Health Information Technology Week"; and

(3) calls on all stakeholders to promote the use of information technology and management systems to transform the health care system in the United States.

SENATE CONCURRENT RESOLUTION 41—PROVIDING FOR THE ACCEPTANCE OF A STATUE OF HELEN KELLER, PRESENTED BY THE PEOPLE OF ALABAMA

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following concurrent resolution which was considered and agreed to:

S. CON. RES. 41

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the "double dungeon of darkness and silence" by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became friends with many American Presidents and was the recipient of some of our Nation's most distinguished honors;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became "America's Goodwill Ambassador to the World";

Whereas Helen pioneered the concept of "talking books" for the blind;

Whereas LIFE Magazine hailed Helen as "one of the 100 most important Americans of the 20th Century—a national treasure"; and

Whereas Helen Keller will become the first person with disabilities enshrined in the Capitol and will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2511. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2512. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2513. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2514. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra.

SA 2515. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2516. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2517. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2518. Mrs. FEINSTEIN (for herself, Mr. JOHNSON, Mr. SHELBY, Mr. BOND, Mr. BROWNBACK, and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2519. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2520. Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2521. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2522. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2523. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2524. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2525. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2526. Mr. HATCH (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2527. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2528. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2529. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2530. Ms. MURKOWSKI (for herself and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2531. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2532. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2533. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2534. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2535. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2536. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2537. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2538. Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. BAUCUS, Ms. MURKOWSKI, Mrs. MURRAY, Mr. UDALL, of Colorado, Mr. BENNET, Mr. AKAKA, Mr. UDALL, of New Mexico, Mr. BEGICH, Mr. MERKLEY, Ms. CANTWELL, Mr. TESTER, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2539. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2540. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2541. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2542. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2543. Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, Mr. JOHANNES, Mr. BARRASSO, Mr. WYDEN, Mr. DORGAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2544. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2545. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2546. Mr. BINGAMAN proposed an amendment to the bill H.R. 1035, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

SA 2547. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2511. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ____ PROHIBITION ON NO-BID CONTRACTS AND GRANTS.

(a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

SA 2512. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

Beginning on page 127, strike line 11 and all that follows through page 129, line 7, and insert the following:

resources, \$1,245,786,000, to remain available until September 30, 2011, except as otherwise provided herein: *Provided*, That not less than \$1,900,000 of that amount shall be for research on, and monitoring and prevention of,

white nose bat syndrome: *Provided further*, That \$2,500,000 is for high-priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed \$22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)) of that section, of which not to exceed \$11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3) of that section, excluding litigation support, for species listed pursuant to subsection (a)(1) of that section prior to October 1, 2009: *Provided further*, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further*, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$39,741,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 4601-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$81,390,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding section 7 of that Act (16 U.S.C. 4601-9), not more than \$1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004 (Public Law 108-421; 118 Stat. 2375), and not more than \$1,400,000 shall be for the Wallkill National Wildlife Refuge: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

SA 2513. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 185, line 21, after “*Provided*,” insert “That, notwithstanding section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) or section 1452(f) of the Safe Drinking Water Act (42 U.S.C. 300j-12(f)), in the case of the funds appropriated under this heading, each State shall use 30 percent of the amount of the capitalization grants of the State to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans, or

grants (or any combination of those forms of assistance): *Provided further*,”.

SA 2514. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 135, line 2, before the period at the end, insert the following: “, of which, notwithstanding the chart under the heading ‘Save America’s Treasures’ on page 30 of Senate Report 111-38, the entire amount shall be distributed by the Secretary of the Interior in the form of competitive grants on the basis of the following criteria: (1) the collection or historic property must be nationally significant; (2) the collection or historic property must be threatened or endangered; (3) the application must document the urgent preservation or conservation need; (4) projects must substantially mitigate the threat and must have a clear public benefit; (5) the project must be feasible; and (6) the application must document adequately the required non-Federal match”.

SA 2515. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 129, line 7, insert before the period at the end the following: “*Provided further*, That \$1,000,000 of the funds made available for specific land acquisition projects shall be made available to implement section 6402 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1178)”.

SA 2516. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 197, line 1, strike “\$2,582,000” and insert “\$5,000,000”.

SA 2517. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUNDS.

None of the funds made available under this Act may be used to apply the permit program under part C of title I, or under title V, of the Clean Air Act (42 U.S.C. 7440 et seq., 7661 et seq.) to any stationary source, on the basis of its emissions of greenhouse gases, that—

(1) is a farm, as the term is defined in section 6420(c)(2) of the Internal Revenue Code of 1986; or

(2) is not subject to the requirement to report greenhouse gas emissions under the

final Environmental Protection Agency rule entitled “Mandatory Reporting of Greenhouse Gases” and numbered 2060-A079.

SA 2518. Mrs. FEINSTEIN (for herself, Mr. JOHNSON, Mr. SHELBY, Mr. BOND, Mr. BROWBACK, and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 190, line 10, insert before the period at the end the following: “: *Provided further*, That, notwithstanding House Report 107-272, the amount of \$1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project and the amount of \$2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System may, at the discretion of the Administrator, be made available to the city of Thomasville for those projects: *Provided further*, That, notwithstanding House Report 108-10, the amount of \$450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108-401, the amount of \$450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108-401, the amount of \$2,000,000 made available to the Tom Bevil Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, may, at the discretion of the Administrator, be made available to Fayette County, Alabama, for water system upgrades: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to the San Bernardino Municipal Water District for the Inland Empire alternative water supply project (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of San Bernardino municipal water department for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, \$170,800 may, at the discretion of the Administrator, be made available to the city of Prescott for a wastewater treatment plant construction project and \$129,200 may, at the discretion of the Administrator, be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table enti-

tled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for the Konza Water Main Extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to Johnson County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the Gravois Arm Sewer District for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to McDonald County, Missouri for a wastewater infrastructure expansion project (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to PWS #1 of McDonald County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110-161 (121 Stat. 1844), the amount of \$150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District 1 for a Water Storage Tank (as described in the section entitled ‘STAG Infrastructure Grants/Congressional Priorities’ on page 1264 of the joint explanatory statement) may, at the discretion of the Administrator, be made available to Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements”.

SA 2519. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 179, strike line 7 and all that follows through page 180, line 9, and insert the following:

SEC. 120. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ("existing authorization") within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization.

SA 2520. Mrs. FEINSTEIN (for herself, Mr. REID, and Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 128, line 10, before the period at the end, insert the following: "*Provided further*, That of the amount provided for aquatic invasive species, up to \$800,000 shall be used for study, construction, staffing, and other expenses necessary to conduct vessel inspection and decontamination at stations to be located away from boat and vessel ramps at Lake Tahoe, Echo Lake, and Fallen Leaf Lake in the State of California".

SA 2521. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 190, line 10, insert before the period at the end the following: "*Provided further*, That, notwithstanding section 422, of the funds made available under this heading, \$500,000 shall be for the city of Eureka, California, for the Martin Slough interceptor project and \$500,000 shall be for Lake County, California, for wastewater system improvements".

SA 2522. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 _____. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking "Agricultural Research Service" and inserting "Department of Agriculture"; and

(2) by adding at the end the following:

"(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government."

SA 2523. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. _____. PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL.

None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109-367) over the international land and maritime borders of the United States.

SA 2524. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 190, line 10, insert before the period at the end the following: "*Provided further*, That, notwithstanding House Report 107-272, the amount of \$1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project and the amount of \$2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System shall be made available to the city of Thomasville for those projects: *Provided further*, That, notwithstanding House Report 108-10, the amount of \$450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements shall be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108-401, the amount of \$450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, shall be made available to the city of Thomasville for that project".

SA 2525. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 190, line 10, insert before the period at the end the following: "*Provided further*, That, notwithstanding House Report 108-401, the amount of \$2,000,000 made available to the Tom Beville Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, shall be made available to Fayette County, Alabama, for water system upgrades".

SA 2526. Mr. HATCH (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

IMPLEMENTATION OF RULES

SEC. 4 _____. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to carry out, finalize, or implement the proposed rule of the Administrator entitled "Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act" (74 Fed. Reg. 18886 (April 24, 2009)) or the proposed rule of the Administrator and the Secretary of Transportation entitled "Proposed Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards" (Document No. EPA-HQ-OAR-2009-0472 (September 15, 2009)) until such time as Congress enacts a Federal law authorizing those actions.

SA 2527. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 _____. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111-11) is amended by striking "December 18, 2008" and inserting "September 20, 2009".

SA 2528. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 190, line 10, insert before the period at the end the following: "*Provided further*, That, notwithstanding any other provision of this Act, no funds made available under this heading shall be used for water infrastructure improvements for the City of Safford, Arizona".

SA 2529. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

SECTION 4 ____ CHUGACH WHISTLE STOP PARTNERSHIP FUND.

(a) DEFINITIONS.—In this section:

(1) **FUND.**—The term “Fund” means the Chugach Whistle Stop Partnership Project Fund established by subsection (c)(1).

(2) **NATIONAL FOREST.**—The term “National Forest” means the Chugach National Forest.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **SPENCER MINERAL MATERIALS PROJECT FUNDS.**—The Secretary shall deposit into the Treasury each amount received by the Secretary through the contract for the sale of mineral materials described in the notice of intent to prepare an environmental impact statement entitled “Chugach National Forest, Glacier Ranger District, Alaska—Spencer Mineral Materials Project” and published by the Secretary on March 2, 2007 (72 Fed. Reg. 9501).

(c) **CHUGACH WHISTLE STOP PARTNERSHIP PROJECT FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a revolving fund, to be known as the “Chugach Whistle Stop Partnership Project Fund”, consisting of such amounts as are appropriated to the Fund under paragraph (2).

(2) **TRANSFERS TO FUND.**—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to the amounts deposited by the Secretary into the Treasury under subsection (b).

(3) **EXPENDITURES FROM FUND.**—

(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to carry out activities under paragraph (5).

(B) **ADMINISTRATIVE EXPENSES.**—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act.

(C) **PRIORITY REGARDING USE OF FUNDS.**—Any amounts made available through an appropriations Act for use by the Secretary to carry out an activity under paragraph (5) shall be expended before the Secretary may request an amount under subparagraph (A) to carry out the activity.

(4) **TRANSFERS OF AMOUNTS.**—

(A) **IN GENERAL.**—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(B) **ADJUSTMENTS.**—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(5) **USE OF FUNDS.**—The Secretary shall use amounts transferred to the Secretary under paragraph (3)(A) to carry out—

(A) the administration of the mineral materials contract described in subsection (b); and

(B) the implementation of the Whistle Stop partnership project in the National Forest, including—

(i) the restoration and enhancement of natural resources in the National Forest;

(ii) the construction, enhancement, repair, and maintenance of—

(I) recreation and rail facilities;

(II) trails, associated infrastructure, and transportation equipment; and

(III) visitor services; and

(iii) the interpretation and provision of any other visitor information or service.

(d) **EFFECT.**—Nothing in this Act affects the responsibility of the Secretary to comply with applicable environmental laws (including regulations).

(e) **TERMINATION OF AUTHORITY.**—The authority provided by this Act terminates on the date on which the mineral materials contract described in subsection (b) terminates.

SA 2530. Ms. MURKOWSKI (for herself and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 192, between lines 6 and 7, insert the following:

**GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY
CARBON DIOXIDE**

SEC. 201. (a) No action taken by the Environmental Protection Agency using funds made available under this Act shall have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a mobile source as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

(b) Nothing in this section prohibits the expenditure of funds by the Environmental Protection Agency—

(1) to undertake studies or conduct reasonable information-gathering that is preparatory to the regulation of carbon dioxide under the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) to implement the renewable fuels standard requirements of section 211(o) of that Act (42 U.S.C. 7545(o));

(3) to continue to issue permits for the construction or modification of any sources other than a mobile source (as described in section 202(a) of that Act (42 U.S.C. 7521(a))) in areas for which the Administrator of the Environmental Protection Agency has jurisdiction, including certain portions of the outer Continental Shelf;

(4) to issue regulations governing the injection of carbon dioxide underground to enable the development of clean coal power generation facilities, including facilities eligible for funding under the Clean Coal Power Initiative of the Department of Energy and the American Recovery and Reinvestment Act of 2009 (Public Law 111–5);

(5) to issue and enforce regulations relating to the reporting of greenhouse gas emissions;

(6) to develop, or collaborate with other agencies on the development of, an innovative, voluntary carbon offset program or other approaches (including assistance measures to energy and trade intensive manufacturers) designed to lower the costs that may be associated with any global climate change mitigation measures established or approved by Congress;

(7) to permit energy infrastructure construction on or near Federal land; or

(8) to finalize and apply the proposed rule entitled “Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” (74 Fed. Reg. 18886 (April 24, 2009)), if the rule and the consequences of the rule are limited solely to section 202(a) of that Act (42 U.S.C. 7521(a)).

SA 2531. Mr. REID submitted an amendment intended to be proposed by

him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 183, line 14, before the period, insert the following: “: *Provided*, That, at the discretion of the Administrator of the Environmental Protection Agency, from the funds included under this heading, \$500,000 may be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada”.

SA 2532. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 ____. (a) Of the funds made available by this Act for forest products programs to be carried out by the Forest Service, not less than \$10,000,000 shall be used to accelerate the implementation of stewardship contracts, including through the conduct of reviews of stewardship contracts under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

(1) by increasing capacity; and

(2) through the use of local nonprofit contractors, as appropriate and consistent with each appropriate—

(A) Federal law (including regulations); and

(B) policy of the Forest Service.

(b) Of the funds made available by this Act for forestry management to be carried out by the Bureau of Land Management, not less than \$10,000,000 shall be used to accelerate the implementation of stewardship contracts (of which not less than \$5,000,000 shall be used for parcels of Oregon and California land-grant land and not less than \$5,000,000 shall be used for parcels of public domain land), including through the conduct of reviews of stewardship contracts under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

(1) by increasing capacity; and

(2) through the use of local nonprofit contractors, as appropriate and consistent with each appropriate—

(A) Federal law (including regulations); and

(B) policy of the Bureau of Land Management.

(c) Of the funds made available by this Act for the United States Fish and Wildlife Service, the Director of the United States Fish and Wildlife Service shall use such funds as are necessary to provide consultation and assist in the acceleration of stewardship contracts described in this section.

SA 2533. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 _____. (a) Of the funds made available by this Act for forest products programs to be carried out by the Forest Service, not less than \$10,000,000 shall be used to accelerate the implementation of stewardship contracts, including through the conduct of reviews of stewardship contracts under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).—

(1) by increasing capacity; and
(2) through the use of local nonprofit contractors, as appropriate and consistent with each appropriate—

(A) Federal law (including regulations); and

(B) policy of the Forest Service.

(b) Of the funds made available by this Act for forestry management to be carried out by the Bureau of Land Management, not less than \$10,000,000 shall be used to accelerate the implementation of stewardship contracts, including through the conduct of reviews of stewardship contracts under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).—

(1) by increasing capacity; and

(2) through the use of local nonprofit contractors, as appropriate and consistent with each appropriate—

(A) Federal law (including regulations); and

(B) policy of the Bureau of Land Management.

(c) Of the funds made available by this Act for the United States Fish and Wildlife Service, the Director of the United States Fish and Wildlife Service shall use such funds as are necessary to provide consultation and assist in the acceleration of stewardship contracts described in this section.

SA 2534. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. _____. It the sense of the Senate that the Senate—

(1) supports the National Vehicle Mercury Switch Recovery Program as an effective way to reduce mercury pollution from electric arc furnaces used by the steel industry to melt scrap metal from old vehicles; and

(2) urges the founders of the Program to find a way to fund the Program so that the successful efforts of the Program to reduce mercury pollution may continue.

SA 2535. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

In the matter under the heading “FEDERAL TRUST PROGRAMS (INCLUDING TRANSFER OF FUNDS)” under the heading “OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS” under the heading “DEPARTMENT OF THE INTERIOR” of title I, insert “, and of which \$1,500,000 shall be available for the estate planning assistance program under section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f))” after “historical accounting”.

SA 2536. Mr. BINGAMAN submitted an amendment intended to be proposed

by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 134, line 13, strike “\$67,438,000,” and insert “\$67,638,000”.

SA 2537. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

SEC. 423. CABIN USER FEES.

Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount greater than the amount levied on December 31, 2008.

SA 2538. Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. BAUCUS, Ms. MURKOWSKI, Mrs. MURRAY, Mr. UDALL of Colorado, Mr. BENNET, Mr. AKAKA, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. MERKLEY, Ms. CANTWELL, Mr. TESTER, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

Beginning on page 197, strike line 3 and all that follows through page 200, line 13, and insert the following:

WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$2,576,637,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That, notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utili-

zation of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$340,285,000 is for hazardous fuels reduction activities, \$11,500,000 is for rehabilitation and restoration, \$23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$56,250,000 is for State fire assistance, \$9,000,000 is for volunteer fire assistance, \$17,252,000 is for forest health activities on Federal lands and \$9,928,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the “State and Private Forestry”, “National Forest System”, and “Forest and Rangeland Research” accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That up to \$15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the “National Forest System” account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed \$10,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), \$10,000,000, to remain available until expended.

SA 2539. Mr. THUNE submitted an amendment intended to be proposed by

him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

PROHIBITION

SEC. 4 _____. Notwithstanding any other provision of law, for fiscal year 2010, no funds may be used by the Administrator of the Environmental Protection Agency to regulate emissions of carbon dioxide from stationary sources under any final version of the proposed rule of the Administrator entitled “Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” (74 Fed. Reg. 18886 (April 24, 2009)) if the regulation of those emissions would increase electricity or gasoline prices, as determined by the Energy Information Administration.

SA 2540. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

PROHIBITION

SEC. 4 _____. Notwithstanding any other provision of law, for fiscal year 2010, no funds may be used by the Administrator of the Environmental Protection Agency to regulate emissions of carbon dioxide from stationary sources under any final version of the proposed rule of the Administrator entitled “Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” (74 Fed. Reg. 18886 (April 24, 2009)) if the regulation of those emissions would increase electricity or gasoline prices, as determined by the Energy Information Administration.

SA 2541. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 185, line 18, insert before “of which” the following: “of which \$5,000,000 shall be made available to repair drinking water and wastewater infrastructure in the State of Georgia damaged by the September 2009 floods and”.

SA 2542. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 _____. None of the funds made available by this Act may be used by the Admin-

istrator of the Environmental Protection Agency to approve any permit associated with any surface mining activity that involves the removal of an entire coal seam from outcrop to outcrop, or of seams running through the upper fraction of a mountain, ridge, or hill, by removing substantially all of the overburden off the mine bench.

SA 2543. Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, Mr. JOHANNES, Mr. BARRASSO, Mr. WYDEN, Mr. DORGAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 193, strike lines 9 through 20 and insert the following:

\$1,552,429,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) in accordance with section 4 of that Act (16 U.S.C. 4601-6a(i)): *Provided*, That, through fiscal year 2014, the Secretary of Agriculture may authorize the expenditure or transfer of such sums as are necessary to the Secretary of the Interior for removal, preparation, and adoption of excess wild horses and burros from National Forest System land and for the performance of cadastral surveys to designate the boundaries of such land: *Provided further*, That \$282,617,000 shall be made available for recreation, heritage, and wilderness: *Provided further*, That none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

SA 2544. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 181, after line 25, insert the following:

QUALIFIED SCHOOL CONSTRUCTION BONDS

SEC. 1 _____. (a) For purposes of the allocation and repayment of qualified school construction bonds under section 54F(d)(4) of the Internal Revenue Code of 1986, the Secretary of the Interior (in this section referred to as the “Secretary”) may establish a tribal school construction escrow account into which may be deposited—

(1) funds furnished by or on behalf of any Indian tribal government as necessary to support issuance of the bonds by such Indian tribal government (including interest earnings from the investment of the bond proceeds), and

(2) amounts from, as the Secretary determines appropriate, other Federal departments and agencies (such as amounts made available for facility improvement and repairs) and non-Federal public or private sources for purposes of supporting such issuance.

(b) The Secretary shall use any amounts deposited in the escrow account under subsection (a) for the repayment of the principal amount of such issued bonds.

(c) Notwithstanding any other provision of law, the principal amount of any qualified school construction bond issued under section 54F(d)(4) of such Code shall be repaid only to the extent of any escrowed funds provided under subsection (a).

(d) No qualified school construction bond issued under section 54F(d)(4) of such Code shall be an obligation of, and no payment of the principal of such a bond shall be guaranteed by—

(1) the United States; or

(2) the tribal school for which the bond was issued.

(e) The Secretary may promulgate such regulations as necessary with regard to issuance of the qualified school construction bonds under section 54F(d)(4) of such Code.

SA 2545. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 135, line 8, insert before the period at the end the following: “, of which \$300,000 shall be made available for a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia”.

On page 240, between lines 13 and 14, insert the following:

SEC. 423. GEORGE C. MARSHALL NATIONAL HISTORIC SITE STUDY.

(a) STUDY.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Dodona Manor and gardens in Leesburg, Virginia, the home of George C. Marshall during the most important period of Marshall’s career (referred to in this section as the “study area”).

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area and the surrounding area;

(2) determine the suitability and feasibility of designating the study area as an affiliated area of the National Park System;

(3) consider other alternatives for the preservation, protection, and interpretation of the study area by—

(A) the Federal Government;

(B) State or local governmental entities; or

(C) private or nonprofit organizations;

(4) consult with interested—

(A) Federal, State, or local governmental entities;

(B) private or nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that contains a description of—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

SA 2546. Mr. BINGAMAN proposed an amendment to the bill H.R. 1035, to

amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; as follows:

Beginning on page 8, strike line 14 and all that follows through page 9, line 2.

SA 2547. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

On page 2, line 2, strike "or".

On page 2, line 7, strike the period and insert "; or".

On page 2, after line 7, add the following:

(3) is in a manufacturing- or coal-dependent region of the United States (such as the Midwest, Great Plains, or South) and would face additional costs from compliance with the permit program that are sufficient to result in—

(A) the layoff of any United States employees at the stationary source; or

(B) the layoff of any United States employees of customers of the stationary source.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. FEINSTEIN. 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 September 23, 2009, 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 FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 23, 2009, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 23, 2009, at 10 a.m., to conduct a hearing entitled "Defense Contract Audit Agency: Who Is Responsible for Reform?"

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

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 23, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Reauthorizing the USA PATRIOT Act: Ensuring Liberty and Security."

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

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 23, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial Nominations."

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

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1035 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1035) to amend the Morris K. Udall Scholarship and Excellence in National and Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. I ask unanimous consent that a Bingaman amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 2546) was agreed to, as follows:

(Purpose: To strike the authorization of appropriations)

Beginning on page 8, strike line 14 and all that follows through page 9, line 2.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1035), as amended, was read the third time and passed, as follows:

H.R. 1035

Resolved, That the bill from the House of Representatives (H.R. 1035) entitled "An Act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes," do pass with the following amendment:

Beginning on page 8, strike line 14 and all that follows through page 9, line 2.

SUPPORTING GOALS AND IDEALS OF SENIOR CAREGIVING AND AFFORDABILITY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 59.

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. 59) supporting the goals and ideals of senior caregiving and affordability.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. JOHANNIS. Mr. President, the importance of the senior caregiving community cannot be overstated. According to the U.S. Census Bureau, in the United States, 35.9 million people are 65 years of age or older, which is 12.4 percent of the population. The U.S. Census Bureau also states that with over 8,000 Americans turning 60 years old every day, the number of people over the age of 65 is expected to more than double in the next 50 years to 86.7 million. Furthermore, the U.S. Census Bureau estimates that the 85 and older population is projected to reach 9.6 million in 2030 and double again to 20.9 million in 2050.

A report by Evercare, entitled *Study of Caregivers in Decline: A Close-up Look at the Health Risk of Caring for a Loved One*, explains that in order to address the surging population of seniors who have significant needs for in-home care, the field of senior caregiving will continue to grow. Thus, while senior caregivers are playing an important role now, this profession will be even more important in the future.

The Dilenschneider Group, Inc., estimates that 25 percent of all seniors need some level of assistance to complete their daily activities. Senior companions provide a wide range of services, such as medication reminders, housekeeping, meal preparation, travel assistance, and general companionship. If we can keep seniors in their homes, we accomplish a number of goals. We preserve the independence and dignity of our seniors. That alone is significant. But, it also saves money in a health care system facing skyrocketing costs and soon-to-be insolvent programs. The longer a senior is able to provide for his or her own care at home, the better.

Adequate in-home care has become even more vital with the increase of dementia in our elderly population. The Alzheimer's Association estimates that 4.5 million people in the U.S. have Alzheimer's today and that this number will increase to between 11.3 and 16 million by 2050. The Alzheimer's Association further explains that 70 percent of people with Alzheimer's and other dementias live at home. These individuals can utilize in-home care provided by senior caregivers for assistance with their daily activities.

Senior caregiver services are a much preferred alternative for seniors who desire to maintain their independence.

They also offer families peace of mind, knowing their loved one is being taken care of in a safe and affordable manner.

I am very pleased with the passage of my resolution to honor senior caregivers and the private home care industry. According to The Dilenschneider Group, Inc., an estimated 44 million adults in this country provide care to adult relatives or friends, and an estimated 725,000 non-family, privately paid individuals are senior caregivers. The Department of Labor estimates that in 2006, paid caregivers worked a total of 835 million hours. I salute those who provide quality care for so many Americans. I also salute the cooperative effort of both unpaid family caregivers and paid caregivers to serve the needs of seniors living in their own homes.

We need to examine Federal policy alternatives to make caregiving for seniors more accessible and more affordable for families. This resolution encourages the Secretary of Health and Human Services to continue working to educate aging Americans about the assistance options available for seniors.

I thank the senior caregivers for their service to Americans throughout this Nation, and I am pleased my colleagues agreed to support this resolution.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 59) was agreed to.

The preamble was agreed to.

PROVIDING FOR STATUE OF HELEN KELLER

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 41, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 41) providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. FEINSTEIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 41) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 41

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the "double dungeon of darkness and silence" by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became friends with many American Presidents and was the recipient of some of our Nation's most distinguished honors;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became "America's Goodwill Ambassador to the World";

Whereas Helen pioneered the concept of "talking books" for the blind;

Whereas LIFE Magazine hailed Helen as "one of the 100 most important Americans of the 20th Century—a national treasure"; and

Whereas Helen Keller will become the first person with disabilities enshrined in the Capitol and will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

20TH ANNIVERSARY OF HURRICANE HUGO

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 282, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 282) remembering the 20th anniversary of Hurricane Hugo, which struck Charleston, South Carolina on September 21 through September 22, 1989.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 282

Whereas September 21 through September 22, 2009, marks the 20th anniversary of Hurricane Hugo, one of the most destructive storms in United States history, making landfall in South Carolina;

Whereas Hurricane Hugo, with a storm surge that rose as high as 20 feet along the South Carolina coast, killed 57 people in the mainland United States and 29 people in the United States Caribbean islands and left an estimated 65,000 people homeless;

Whereas Hurricane Hugo resulted in 4 presidential disaster declarations, for the United States Virgin Islands, Puerto Rico, South Carolina, and North Carolina;

Whereas Hurricane Hugo inflicted an estimated \$7,000,000,000 in total damages within the United States and an additional \$3,000,000,000 in damages to the United States Virgin Islands;

Whereas Hurricane Hugo set a record as the most expensive hurricane to strike the United States up until that time;

Whereas Hurricane Hugo underscored the critical value of early evacuation, bold leadership, and personal and regional preparation and planning;

Whereas the people of South Carolina rose to meet Hurricane Hugo, working tirelessly to prepare for the storm and to assist their fellow citizens in its aftermath;

Whereas Hurricane Hugo was a reminder of the kindness and compassion of people, as help came from all parts of the Nation to assist in the areas damaged by Hugo;

Whereas the magnitude of the Hurricane Hugo disaster and difficulties with the Federal response led to important changes to the preparedness and response efforts of the Federal Government with respect to hurricanes in the United States; and

Whereas September is National Preparation Month and the President has emphasized the responsibility of all people of the United States to take time to prepare for potential emergencies by preparing an emergency supply kit and a family emergency plan, and to educate themselves about potential disasters: Now, therefore, be it

Resolved that the Senate

(1) recognizes the historical significance of the 20th anniversary of Hurricane Hugo; and

(2) remembers the victims of Hurricane Hugo.

NATIONAL WILD HORSE AND BURRO ADOPTION DAY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 283, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 283) expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 283

Whereas, in 1971, in Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.), Congress declared that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West;

Whereas, under that Act, the Secretary of the Interior and the Secretary of Agriculture have responsibility for the humane capture, removal, and adoption of wild horses and burros;

Whereas the Bureau of Land Management and the Forest Service are the Federal agencies responsible for carrying out the provisions of the Act;

Whereas a number of private organizations will assist with the adoption of excess wild horses and burros, in conjunction with the first National Wild Horse and Burro Adoption Day; and

Whereas there are approximately 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses awaiting adoption: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of a National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretary of Interior and the Secretary of Agriculture;

(2) recognizes that creating a successful adoption model for wild horses and burros is consistent with Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.) and beneficial to the long-term interests of the people of the United States in protecting wild horses and burros; and

(3) encourages citizens of the United States to adopt a wild horse or burro so as to own a living symbol of the historic and pioneer spirit of the West.

NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 284, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 284) expressing support for the designation and goals of "National Health Information Technology Week" for the period beginning on September 21, 2009, and ending on September 25, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 284

Whereas the Healthcare Information and Management Systems Society has collaborated with more than 5 dozen stakeholder organizations for almost 50 years to transform health care by improving information technology and management systems;

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to health care each year;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas Congress has made a commitment to leveraging the benefits of the health care information technology and management systems, including through the adoption of electronic medical records that will help to reduce costs and improve quality while ensuring patients' privacy and codification of the Office of the National Coordinator for Health Information Technology;

Whereas Congress has emphasized improving the quality and safety of delivery of health care in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the health care system that the implementation of health information technology could achieve: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the value of information technology and management systems in transforming health care for the people of the United States;

(2) designates the period beginning on September 21, 2009, and ending on September 25, 2009, as "National Health Information Technology Week"; and

(3) calls on all stakeholders to promote the use of information technology and management systems to transform the health care system in the United States.

ORDERS FOR THURSDAY, SEPTEMBER 24, 2009

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, September 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 there then 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; that following morning business, the Senate resume consideration of H.R. 2996, Interior appropriations. Finally, I ask unanimous consent that the filing deadline for second-degree amendments be 10:30 a.m. tomorrow.

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

PROGRAM

Mrs. FEINSTEIN. Mr. President, the managers of the bill are working on an agreement to limit the number of amendments in order to the bill. If an agreement is reached, the cloture vote would not be necessary. However, if we are unable to reach an agreement on amendments, the cloture vote would occur at approximately 10:30 a.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. FEINSTEIN. 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 5:38 p.m., adjourned until Thursday, September 24, 2009, at 9:30 a.m.