United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, JUNE 18, 2009 No. 92

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Almighty God in whom we live and move and have our being, we need You every hour, in joy and in pain, in prosperity and in adversity, in success and in failure, in the moment of prayer and in the hours of toil.

To the human strivings of our Senators, add Your divine strength. Restrain and correct them when they do wrong and confirm and strengthen them when they do right. Guide them by Your spirit and support them by Your grace. Then in quietness and confidence may they leave the consequences to Your unerring judgment, remembering that Your judgments are ''true and righteous altogether.''

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 18, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following Leader remarks, the Senate will be in a period of morning business for up to 1 hour. Senators will be allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes and the minority will control the final 30 minutes.

Following morning business, the Senate will proceed to consideration of the concurrent resolution relating to an apology for slavery. There will be up to an hour for debate, equally divided and controlled between the two leaders or their designees prior to a vote. We do expect that vote to be a voice vote.

Upon disposition of the concurrent resolution, the Senate will resume consideration of the conference report to accompany H.R. 2346, the emergency supplemental appropriations bill. We hope to reach an agreement that will allow us to vote on motions to waive points of order and a time for a vote on adoption of the conference report. But if we are unable to reach an agreement, there will be a cloture vote on the conference report tomorrow morning.

We will resume consideration of the travel bill upon disposition of the supplemental conference report.

Madam President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

RECOGNITION OF THE MINORITY LEADER

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

The Republican leader is recognized.

HEALTH CARE REFORM

Mr. MCCONNELL. Madam President, Americans certainly want health care reform. There is no dispute about that. People are frustrated with the high cost of care, and many are worried about losing the health care coverage they already have. Some can't afford care or have to choose between basic necessities and the treatments they need. These are some of the things that are wrong with the current system, and they need to be fixed.

But while all of us recognize that serious reform is needed, we should also recognize the necessity of getting it right. Before we rush to pass just anything in the name of reform, such as the bill introduced in the HELP Committee this week, Americans have a right to ask some very basic questions: How much will it cost? How will we pay for it? What will this mean for me and for my family?

As to the first question, Americans have good reason to be concerned about what the bill would cost. The Congressional Budget Office estimates that just a portion—just a portion—of the HELP Committee bill would spend $1.3 trillion over 10 years. That doesn't even include major portions of the final proposal, including a massive expansion of Medicaid, which will cost untold billions of dollars. These are staggering amounts of money for taxpayers to contemplate, which is why it

is troubling to a lot of people when we see committee members in such a rush to pass this legislation before the Congressional Budget Office even has a chance to fully estimate its cost. On something as important to the American people as health care reform, cost and effectiveness should be a higher priority than speed.

But even if we decided this bill was the right reform, another question arises: How would we pay for it? Most people don't walk onto a car lot, pick out the most expensive model, buy it, and then figure out how they are going to pay for it. Even if they wanted to, the car salesman wouldn't let them. We need to take the same approach here.

The proposal we have seen is full of creative new ways to spend taxpayer dollars, but it offers little in the way of offsetting the cost of the overall bill. We will have to either charge the money to the national credit card or, more likely, raise taxes on working families—in other words, more spending, higher taxes, and even more debt. So far, some of the taxes under discussion include a tax on soft drinks and juice boxes, the creation of a new tax on jobs, and new limits on charitable donations. But this would just be the beginning. The HELP Committee bill would be hugely expensive by any reckoning, and no one has a plan to pay for it. This isn't a very good start as far as health reform is concerned.

Americans are also right to wonder how these changes would affect the family budget. Will the HELP Committee's so-called reforms raise the health insurance costs for millions of families and businesses at a time when they are already struggling? This isn't a scare tactic or a theoretical question. Not only does the CBO estimate suggest the final bill is far too expensive, but we also have the example of States that have tried some of the proposals it suggests. Shouldn't we look at the experience of these States to determine whether we want to replicate these proposals nationwide?

Take Kentucky, for example. Many of the same concepts embraced by the HELP Committee bill were tried 15 years ago in my State—with disastrous results. Instead of reforms that were promised, Kentuckians were left with higher expenses and fewer choices for health coverage. Instead of more affordable care, one report estimates that 850,000 Kentuckians faced dramatically higher premiums. Instead of increased competition, about 50 insurance companies stopped offering individual insurance, leaving only a handful of private insurers and a government-run plan that wasn't affordable for taxpayers. After years of failure, many of these so-called reforms were repealed but not without significant damage to the Commonwealth. While the market has rebounded some, Kentucky's small businesses and families tell me that a lack of competition in the health care market continues to keep prices high. Shouldn't this experience figure into our consideration?

When it comes to our approach on legislation as costly as health care, we should learn from our experience with the stimulus. Democrats rushed that bill on the grounds that we needed it to jump-start the ailing economy. Yet a few months later we are already hearing outrageous stories of abuse and the unemployment rate actually continues to rise.

When it comes to specific proposals within any so-called health care reform bill, we should learn from the experience of Kentucky. We should not be rushed into enacting so-called reforms that cost taxpayers trillions and could increase premiums to consumers.

Americans indeed want reform, but they want us to do it right. They do not want a blind rush to spend trillions of dollars they and their grandchildren will have to pay for through higher taxes and even more debt.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

HEALTH CARE REFORM

Mr. REID. Madam President, if you will indulge me, it appears appropriate and necessary to briefly summarize the sorry state of health care in America today.

Nearly 50 million people in the greatest country and the largest economy the world has ever seen lack the fundamental ability to stay healthy or care for a loved one. Nine million of those people are children. Eight million fewer people who in 2003 had health insurance through their jobs can say the same today. Among those between 18 and 64, the State of Nevada has the second highest rate of uninsured citizens. Health care costs an average family more than twice what it did at the start of this decade. Half of all Americans who file for foreclosure do so because they can't afford both a house and their health care. More than half of all Americans who file for bankruptcy do so because health care is too expensive. More than half of all Americans skip doctor visits or treatments they need to stay healthy because it is too expensive.

Those fortunate enough to have health care pay a hidden tax just to cover those who don't. If your family has insurance, you pay at least $1,000 more for it than you would need to if other families had their insurance. If you are like about everybody I know and not in absolutely perfect health—if you have a history of anything from heart disease, to high cholesterol, to hay fever—your insurance company can force you to pay exorbitant rates or deny you coverage altogether. Insurance companies call these preexisting conditions. Everyone else calls them tragedies.

I know I am not telling the American people anything they do not already know. They know it better than any statistics can say. They struggle with these challenges every morning when they wake up and when they go to bed at night, second-guessing the agonizing decisions they made that day about what to sacrifice to stay healthy.

I said I thought it would be appropriate to go back to the basics for the benefit of our Republican colleagues. Their lack of interest in an open and candid debate, their lack of interest in coming to the negotiating table with productive proposals makes it painfully evident they need to be reminded of the reality of this crisis.

By any measure, these are serious problems, and serious problems deserve serious efforts by serious legislators to develop serious solutions. Our Republican colleagues think things are just fine the way they are. Why shouldn't they? They like the status quo. They are the ones who created the status quo. In fact, this is hard to comprehend. Just yesterday, the Republican leader in the House of Representatives said the following: ''I think we all understand that we've got the best health care system in the world.'' When we have 50 million people with no health insurance, is that the best health care system in the world? When we have 9 million children with no health insurance, is that the best health care system in the world? Is it the best health care system in the world when today there are 8 million people fewer than in 2003 who have health insurance through their jobs? Is it the best health care system in the world when people between 18 and 64 in the State of Nevada have the second highest rate of uninsured citizens? I don't think so. Is it the best health care system in the world when the health care cost for the average family is more than twice what it was at the beginning of this decade? Is it the best health care in the world when more than half of all Americans skip the doctor visits they need or the treatments they need because they cannot afford them?

The Republican leader in the House of Representatives is saying, ''I think we all understand that we've got the best health care system in the world.'' I think he better go back and check that out. He said that to a room of reporters. I doubt he would say the same with a straight face to the millions of Americans who have to skip routine medical checkups or live just one accident or illness away from bankruptcy or wonder if they will live long enough to fight through the redtape. We have heard President Obama talk about the death of his mother and how she fought as strongly as she could to get the health care she needed. She lost that battle.

What about the Republicans in the Senate? We talked about the Republican leader in the House. How have they approached the crisis? I am sorry to say they have only subscribed to more of the same stalling strategy that the American people are tired of. Republicans have introduced 400 amendments to the health care bill that is in

the HELP Committee, 400 amendments, and they say they have more to come. Here is a sample of some of their serious amendments: two amendments would force doctors to spy on each other, multiple amendments just to change the names of sections in the bill, and many amendments that simply would give greedy insurance companies the ability to deny coverage whenever they feel like it. Each of the 400 amendments says something different, but in truth they all say the same thing—no. They are designed to slow the process to a halt.

I am not making this up. Look at this newspaper today, Rollcall: ''Senate GOP Still Saying 'No.' '' Listen to what the story says. This is more than just a headline.

Though Senate Democrats have handed them defeat after legislative defeat this year, Republicans say they plan to continue trying to slow down the Democratic agenda on the Senate floor as much as possible. ''Democrats need to know when they bring [bills] up, we're going to extend the debate as long as we can—even if we can't win it—so that their people back home know that they're voting for this junk, [said one Republican Senator]. And we're going to see it on everything.''

The stalling on everything. How is that for moving this country out of the problems we have? ''They plan to continue trying to slow down the Democratic agenda on the Senate floor as much as possible.''

Republicans waste the time of the American people in the morning and in the afternoon complain that government is inefficient. What do I mean? We have wasted the whole week with 60 hours of wasted time on two postcloture time blocks. It is just as they said, they are just stalling for time. During that period of time, we could have moved to appropriations bills, we could have moved to many things.

I have Senators come to me. There is a bipartisan bill—Senator KERRY has worked with Senator KYL—dealing with Pakistan. It is essential that we do that. But because of what is going on here on the Senate floor with Republicans stalling, we can't get to that. I have been asked by Democrats and Republicans to do something about drug importation. We don't have time to go to it because of the stalling. The Senate GOP is still just saying no. They complain about the government being inefficient? The only inefficiency I see in Washington today is the Republican caucus in the House and the Senate.

Again, our health care system is in serious distress, and serious problems deserve serious efforts by serious legislators to develop serious solutions. That is why we are committed to lowering the high cost of health care, ensuring every American has access to quality, affordable care, and letting people choose their own doctors, hospitals, and health plans. We are committed to protecting existing coverage when it is good, improving it when it is not, and guaranteeing health care for the millions who have none. I don't think doing nothing is an option because the cost of doing nothing is far too great. We must pass health care reform this year.

As we said at the start of this Congress, the start of the work period, and the start of this debate, we will continue doing the best work with Republicans—we will work with them. They have a place at the negotiating table, and they should take it. We will work hard to do a bipartisan bill. But in order for this bipartisan process to work, Republicans must demonstrate an interest in legislating, not this:

Though Senate Democrats have handed them defeat after legislative defeat this year, Republicans say they plan to continue trying to slow down the Democratic agenda on the Senate floor as much as possible. ''Democrats need to know when they bring [bills] up, we're going to extend the debate as long as we can—even if we can't win it . . .''

I hope the American people who are watching talk to their Republican Representatives in the House and their Senators and say this isn't right.

Despite what we have seen in recent days, such cooperation is not out of the realm of possibility. Here is an example of what it looks like when Republicans and Democrats work together with each other instead of against each other and against the interests of the American people. Yesterday, Wednesday, a group called the Bipartisan Policy Center proposed a thoughtful and thorough plan for stemming this country's health care crisis. The group is led by three former Senate majority leaders—I have worked with all of them—Bob Dole from Kansas, Howard Baker from Tennessee, and Tom Daschle from South Dakota. I would mention about Tom Daschle, I think most people recognize he is a man who knows more about health care than just about anybody in America today. He has written a book, among other things. Together, Tom Daschle, a Democrat, and Senators Dole and Baker, Republicans, served a combined 80 years in the Congress. They know a thing or two about working across the aisle and getting things done. They know our job is public service, not lipservice. I may not agree with every part of their plan, but that is not the point. The point is, they have a goodfaith effort. They have avoided the temptation to distract each other with misrepresentations and misinformation about the real problem. They have put people ahead of partisanship and were able to find common ground.

I encourage Republicans in Congress to read the Bipartisan Policy Center's report. Even if they do not support its conclusions, I hope they take to heart its authors' motivations. Baker, Dole, and Daschle—serious problems deserve serious efforts by serious legislators to develop serious solutions. The time for partisan games is long over. It is time to get serious about fixing our health care.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from New Jersey is recognized.

THE RECOVERY ACT

Mr. MENENDEZ. Madam President, this February, Congress passed and the President signed a historic recovery package, setting the stage for the creation of 3½ million jobs and making critical investments to strengthen the 21st-century economy. We all agree that legislation has not ended the most serious economic crisis since the Great Depression. Americans know what this administration inherited and the time it will take to get out of it. Hundreds of thousands of Americans continue to lose their jobs every month, quality health care is still far from affordable for far too many, and we still have a dangerous dependence on foreign oil that threatens our safety, our wallets, and our planet at the same time.

But the optimism we feel is real. Quick action on our part has contributed to bringing the economy back from the brink of absolute collapse. There are green shoots in this economy, and the Recovery Act has fertilized them. It has cut taxes for working Americans; it has made education more affordable; it has jump-started urgent investments that will make our commutes faster and our air cleaner, investments such as repairing crumbling bridges and highways and building high-speed transit and light rail, investments that will pay off over the course of generations. The hundreds of thousands of Americans who are going to work this morning because of the Recovery Act can tell us in no uncertain terms that the legislation is working. It is creating jobs, making responsible investments, helping workers damaged by this crisis.

But in the face of these tremendous efforts, some are questioning the effectiveness of these investments. They have decided to attack the entire recovery process by jumping to conclusions, distorting the facts, and spreading outright falsehoods—all because of their failed George Bush-style ideology that created this crisis in the first place.

There have been some who have commissioned their own report, a report which picked a conclusion first and

then attempted to seek out facts later. The old saying goes, if the only tool you have is a hammer, everything starts to look like a nail. That is the case here. The radical conservative ideology that led to this report is like a steam hammer that its operators would like to use at all times, even if it means bashing away at the foundation of economic growth we are trying to build.

I notice this report did not mention any projects from my home State of New Jersey, and I guess, because the conclusion they wanted to draw was failure, that would make sense not to include projects in New Jersey because, in fact, if you look at the issue of how New Jersey is handling this among many other States in the Nation, you would have to take issue with the thousands of New Jerseyans who will owe their jobs to this act.

The report would have to take issue with an immediate tax cut for the average working family of up to $800, money that helped New Jerseyans pay their bills and support their families, or the over 1.5 million New Jerseyans who avoided the alternative minimum tax as a result of that law as well—more money in their pockets, less money going to the government.

You would have to take issue with the college students and parents of college students in New Jersey who are finding their term bills just a little easier to pay because of the increased Pell grants in the Recovery Act. In addition to higher education, it would have to take issue with all the ways public elementary and secondary schools are being improved with $957 million in funding that they would not otherwise have for critical needs ranging from up-to-date textbooks to better technology in the classroom.

It would have to take on all the teachers, police, and firefighters who have been able to keep their jobs and the individuals with disabilities who are now getting the support they need at school—made possible by the Recovery Act.

The Recovery Act was intended to create jobs fast, pump money into the economy quickly. How well has it done that in New Jersey? I saw firsthand how the funding created 250 construction and engineering jobs improving Route 46 in Lodi. It is a project that is going to reduce traffic congestion, cut down on the time it takes to commute, make it easier to do business, and protect the roadway against flooding so parents can feel just a little safer as they drive their kids in heavy rain.

I saw firsthand that the Recovery Act finally let us break ground on the Mass Transit Tunnel under the Hudson River that will ultimately create 6,000 jobs for several years and, at the end of the day, when that project is finished, over 50,000 permanent jobs. I met children who will be the future riders of that train and whose parents and neighbors are employed in its design, planning, and construction as we speak. In terms of infrastructure, you can see these results statewide.

The Recovery Act required our State Department of Transportation to get enough projects ready for bidding so that 50 percent of that funding could be set aside within 120 days to get people to work. New Jersey met that requirement and plans to allocate the funding for all of its projects by the end of this month. The Recovery Act has been a lifeline for New Jersey and, for that matter, for millions of people across the country.

I could not agree more that accountability is crucial. We understand that every dollar in the Recovery Act belongs to the American taxpayer. They deserve assurances that their money is being invested wisely. We have to ensure unprecedented transparency, oversight, and accountability so Americans can see not only how their money is being spent but also the results of their investments.

That is why this act is being personally overseen by the Vice President of the United States. And it is why the Act provides for so much transparency, such as a Web site with all of the information about it readily available to the public. Ironically, the fact that there is so much transparency is the reason an individual Senator can issue a report about it at all, and it is the reason we can figure out so easily that many of the assertions in that report are wrong.

Accountability means making sure our investments are smart and making corrections as need be. What accountability does not mean is attacking the job that hard-working men and women are doing, that the legislation made possible, because your ideology does not square with the facts.

That is not accounting, that is undermining. Frankly, after 8 years of undermining, the American people are ready to build up this country again. And with the Recovery Act, with health care reform, so not only those nearly 50 million Americans who have no health care coverage in the greatest Nation in all of the world, but at the same time millions more who are one paycheck away from losing it, and so many who have health insurance, but have told me that, in fact, after listening to their insurance company and following all of the rules, they still get denied for claims of coverage they need.

That is part of the reform we seek. With additional steps to make us energy independent, we are going to, in essence, rebuild this country. That is the process of saying ''yes'' to America, not ''no'' to America.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. I ask unanimous consent to speak for up to 10 minutes as in morning business on the Republican side.

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

WASHINGTON TAKEOVER

Mr. ALEXANDER. Madam President, I just finished reading an excellent address by the Secretary of Education, Arne Duncan. Secretary Duncan made this to the National Governors Association. He said this:

> I am continually struck by the profound wisdom underlying the American political system. The genius of our system is that much of our power that shapes our future was wisely distributed to the States instead of being confined in Washington.

Continuing, he says:

> Our best ideas have always come from State and local governments, which are the real hothouses of innovation in America.

Secretary Duncan says:

> On so many issues: energy efficiency, mass transit, public safety, housing, economic development, [and then he goes on to say] education, it is the States that are often leading the way, sometimes with Federal help and sometimes without.

That is indeed the American way. That is my comment. The American way was recognized by President Lincoln who honored the importance of States. He argued for a limited Federal Government. He used the limited Federal Government to confer opportunities through the Transcontinental Railway, the Land Grant Colleges, the Homestead Act, instead of a ''Washington knows best'' command and control sort of Federal Government.

It has been our tradition to rely on decentralism of government and a free market to build our country, and it has given us the best colleges and universities, and a standard of living that produces 25 percent of all of the money in the world for just 5 percent of the people in the world, the Americans who live here.

Unfortunately, the wisdom that Secretary Duncan expressed seems to lie almost exclusively in the Department of Education in this administration. It is an oasis of common sense, because at an astonishing rate, almost everything else in Washington seems to think that Washington knows best.

I was visited by a European auto executive the other day who said to me jokingly: Well, I am glad to be in the new American automotive capital: Washington, DC. It is not only America's automotive headquarters, it is becoming America's banking center and it is becoming America's insurance center.

Unfortunately, even in education, Washington, DC is now about to become America's student loan center for 15 million students, because the administration believes Washington knows

best. Instead of having 2,000 banks make 15 million loans, we are going to have the U.S. Department of Education make the Secretary the banker of the year.

And now, we are discussing in the HELP Committee and in the Finance Committee a brazen takeover representing 16 percent of our economy which would say: Washington knows best about our health care system. Washington will become America's health care center as well.

The health care bill we are discussing in the HELP Committee, of which I am a member, would expand one failed government program, Medicaid, and create a new one, a new government insurance program, a so-called public option.

Those who support the public option—this includes our President—feel very strongly about it, and they speak eloquently about it. They say things such as one Senator said yesterday at our hearing, we need to ''keep the insurance companies honest.'' That is why we need a government-run insurance program. We need some ''good old-fashioned competition,'' so they said, and, ''we need to keep prices in check.'' They say that is why we need a government-run health insurance program.

Well, if that is the argument, perhaps we ought to start doing that with every sector of the economy, starting with automobiles. Why not buy the rest of General Motors—we already own 60 percent of it—and let's create a government car, and let's keep what is left of the American automobile industry honest by doing that. Let's have some good old-fashioned competition to keep prices in check.

We could own the car company, we could regulate the car company, we could subsidize the car company. And we could create a car that we knew is exactly the right size, the right color, that got 50 miles a gallon, that ran on ethanol, that had a solar panel, and that had a windmill on top. That would be the government car.

To be fair to the American communities across the country, because we would want to be, we could mandate that equal numbers of parts for the government car could be made in every congressional district and no one could buy an electric battery made in South Korea, even if it was the best battery in the world and would make the Chevy Volt an instant success.

We could have a board of directors on our government car company of 120 Members of the Congress or Senate. All of us, great car experts, right? We know how to build cars and trucks, how to design them, how to build them, how to sell them. And there are 120 of us who are the chairman or ranking member of some committee or subcommittee that has the authority to call the head of the car company into Washington, presumably driving his or her congressionally approved hybrid car, to come testify for 3 or 4 hours, and then drive back to Detroit having not a minute that day to design, build, or make a car.

That is what we could do. And we know what the result would be. The result would be a car a lot like the Soviet cars we all used to laugh about years ago. They were clunkers. They were the butt of jokes. They barely worked. No one wanted to buy them. And, of course, they kept lowering the price, so that people would want them. Pretty soon they priced everybody else out of business. There was only one car, the government car, and people either drove the government car or they walked, or they took the Metro, or they found some other way, maybe a bicycle.

That is what we are talking about here when we talk about a government-run health insurance program to keep the health insurance companies honest. It is the same idea as having a government-run car program to keep the American automobile companies honest.

We already have one government-run health care program. We call it Medicaid. It is a terrible example. The Government Accountability Office says we literally waste 10 percent of every dollar of all of the dollars that we give to Medicaid. That is $32 billion a year. It is filled with lawsuits, bureaucracies, inefficiencies. It is a tremendous expense to States. It is ruining higher education because Governors and legislatures are putting every available dollar into Medicaid, and they have nothing left for the community colleges.

The worst of it is it does not provide service. It is like giving you a Metro pass and there is no subway. Approximately 40 percent of the doctors will not serve Medicaid patients—low-income Americans—because of the low reimbursement rates.

So what do we have with our great government program called Medicaid? Twice as many Medicaid patients go to the emergency room to get their care as do uninsured Americans going to the emergency room. That is what we have with that government program.

Yet the Kennedy bill which we are considering in the Senate HELP Committee, the only bill we are considering even though there are other alternatives on the table, would expand that government-run program by 150 percent, increase its costs both to the Federal Government and to States, all in the name of keeping insurance companies honest.

There is a better way to give subsidies or grants to low-income Americans so they may buy their own health insurance.

There is a better way with autos as well. Instead of having a government car for the next 4 or 5 years, with politicians meddling in how GM and Chrysler operate their business, let's give the stock we own back to the American people. Give the 60 percent of General Motors stock and the 8 percent of Chrysler stock to the 120 million Americans who paid taxes on April 15 of this year. The reason would be they paid for it, they should own it. Some might say: Well, let's sell the stock. I would favor selling the stock. I would like to get the stock out of Washington and end this incestuous relationship of Congressmen calling up the President of General Motors and saying: Do not close the warehouse in my district. But it might take several years, according to the President of GM, to sell that block of stock. So the faster way to do it is a stock distribution, a corporate spinoff.

Proctor & Gamble did this with Clorox in 1969. Time Warner did it with Time Warner Cable in March of 2009. All of the stockholders of Time Warner simply received shares in Time Warner Cable. PepsiCo did it with its restaurant businesses—KFC, Pizza Hut, and Taco Bell. If you owned shares of PepsiCo, suddenly you had some of Colonel Sander's stock. PepsiCo shareholders received one share in the new restaurant company.

Madam President, would you let me know when I have 1 minute remaining, please?

The ACTING PRESIDENT pro tempore. The Senator has 30 seconds remaining.

Mr. ALEXANDER. I ask unanimous consent for an additional minute.

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

Mr. ALEXANDER. These companies did all of this when the main company decided that the subsidiary was not consistent with the core business. That is what we should do with General Motors—give taxpayers its shares and get General Motors back in the marketplace where it belongs. This idea is fast, it is simple, and it creates a market for the shares.

The United States is not like the Soviet Union where people are not used to handling shares. Half of American families own shares of stock. Distributing government owned shares in General Motors to taxpayers would create a fan base for the next Chevy, like the fan base for the Green Bay Packers, where the people in the community own the football team.

I have been giving ''Car Czar'' awards to political meddlers to put a spotlight on this incestuous relationship in Washington. American manufacturing of autos will not succeed if Washington is America's new automotive headquarters. Neither will American insurance succeed, neither will American banking succeed, neither will students be happy waiting outside the Department of Education for their student loans, and neither will health care help low-income Americans if Washington is the headquarters.

Later today or tomorrow I hope to be able to offer my amendment, cosponsored by Senators BENNETT, KYL, and others, to give all of the General Motors stock and all of the Chrysler stock our federal government owns back to

the people who paid for it. They paid for it; they should own it. Let's get the Washington meddlers out of the automobile business and auto manufacturing back on its feet.

I ask unanimous consent to have printed in the RECORD newspaper articles supporting the Auto Stock for Every Taxpayer Act I have introduced and plan to offer as soon as I am able.

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

[From Newsweek]

BARNEY FRANK, CAR GUY AND GREEN GUY. SO HE PRESSURES GM.

(By George F. Will)

General Motors changed its mind. Or maybe not. It is unclear that GM still has a mind of its own, so let us just say that GM changed its decision. The company first announced that it was going to close a parts-distribution center in Norton, Mass. Then it heard from the congressman who represents that community, Barney Frank.

That Democrat chairs the Financial Services Committee, which is mightily important to GM now that it is an appendage of the federal government, which soon will own 60 percent of it. Frank talked to GM's CEO, Fritz Henderson. So the distribution center will not be closed for at least another 14 months.

Is this a glimpse of what life is going to be like under the political economy of state capitalism? Heaven forfend, says Frank. To The Hill newspaper he said, ''I don't think this will lead to a pattern,'' because, well, because the distribution facility was not a dealership or an assembly plant. If that strikes you as a non sequitur, this will, too: Frank stressed that what he did was not improper because he talked to Henderson rather than to someone in the Obama administration. Which is significant because . . . never mind.

Frank's motive for intervening in GM's decision making was not political but altruistic. Really. He wanted to save the planet. If the Norton facility were closed, he says, GM parts for New England would be trucked from Philadelphia, and that would complicate the task of turning down Earth's thermostat.

Nowadays, green reasoning is the first refuge of scoundrels. Global warming has become like God: It is an explanation for everything and an all-purpose excuse for the political class to do whatever it wants to do. What a large portion of it wants to do—what it has a metabolic urge to do—is boss people around. It can maximize its opportunities for doing that if it maximizes the number of people dependent on government, and the number of ways in which they are dependent.

Sometimes bribing is a substitute for bossing, as with the ''cash for clunkers'' idea: Give vouchers worth up to $4,500 to people who trade in their vehicles for more fuel-efficient ones. One rationale for this is, of course, green: It would put a cool compress on Mother Earth's supposedly fevered brow. But the plan also is yet another bailout for the bottomless money pit called Detroit. The plan would entice customers into showrooms.

But in a cri de coeur published last week in The Wall Street Journal, two of the senators who dreamed this up lamented that something has gone horribly wrong. Dianne Feinstein, the California Democrat, and Susan Collins, the Maine Republican, are surprised and scandalized that their proposal for manipulating the market has been hijacked by industry lobbyists, who have a different manipulation agenda.

Feinstein and Collins tied their vouchers to purchases of vehicles meeting high fuel-efficiency standards. But the bill passed by the House, and a companion bill lurking in the Senate, would make vouchers available for vehicles meeting less exacting standards. This would help dealers move their unsold inventories of SUVs, pickups and other large vehicles. Feinstein and Collins denounce this as ''handouts for Hummers'' and say it is evidence of ''how quickly a good idea can go bad in Washington.''

Actually, it is evidence of what a bad idea they had—getting the government into the business of fine-tuning customers' choices. Once such market manipulations are given a seal of progressive approval, it is not a jaw-dropping shock that things will become messy, with factions competing to get the government to do their bidding.

Two other senators have three better ideas pertaining to the government's wallow in the auto industry. A bill written by Tennessee Republican Lamar Alexander and Utah Republican Bob Bennett would prohibit using any more TARP funds for GM or Chrysler. And it would require that as long as the government owns stock in the companies, the Treasury would have a fiduciary duty to see that the government's investment is managed with the single objective of maximizing the return to taxpayers—not to advance any environmental (hi, Barney), trade, energy, labor or other policy. And it would require the Treasury to distribute, within a year, all its GM and Chrysler stock evenly to the approximately 120 million persons who paid 2008 income taxes.

Although two years ago a share of GM's stock was worth $40, last Friday it was worth $1.22, and now GM has a new government—chosen chairman of its board of directors, Edward Whitacre Jr., who says, ''I don't know anything about cars,'' which means he is like those who appointed him. So the stock distribution will not soon be a bonanza to taxpayers. But unwinding the government's entanglement with GM might be.

[From the New York Times, June 12, 2009]

AUTO DEALERS AT RISK TURN TO WASHINGTON

(By Carl Hulse and Bernie Becker)

WASHINGTON.—Auto dealers accustomed to negotiating sales on their car lots clustered in the Capitol instead this week, looking to their trusty, neighborhood lawmakers to do some hard bargaining for them.

With about 2,000 Chrysler and General Motors dealers losing their franchises as the companies retrench, the dealers are pressing Congress to reverse what they see as an unfair process forcing some profitable businesses to close or stop selling new autos, with no explanation from the manufacturers of why they were singled out.

''We have never gotten one,'' said Rick Shaub, the owner of Montrose Dodge in Germantown, Md. He was with fellow dealers outside the office of the House majority leader, Steny H. Hoyer, on Wednesday, the day after his family's three-generation relationship with Chrysler came to an end.

As they lobby Congress, angry dealers are finding an increasingly receptive audience in the House and Senate, where lawmakers say the mass termination of franchises by the bankrupt car companies is threatening tens of thousands of jobs, not to mention the civic fabric of communities where car dealerships are often a chief local institution.

''The dealers in these small towns are kind of the heart of the town,'' said Senator Tom Udall, Democrat of New Mexico, who estimated that 12 G.M. dealers and six Chrysler dealers were affected in his state. ''They sponsor the Little League; the big guy in town is usually the car dealer. I am worried about it.''

But the campaign on behalf of the dealers is also providing a test of one of the central criticisms of the government's intrusion into the operations of many companies, from banks to insurers to auto giants. Even as they talk tough about the mismanagement of car companies, can members of Congress withstand political pressure and allow Chrysler and G.M. to make tough economic decisions that might hurt their own constituents?

For instance, Representative Barney Frank, the Massachusetts Democrat who heads the House Financial Services Committee, came under fire for intervening with G.M. to keep a parts distribution center open in his district, preserving about 90 jobs for another year. Critics said Mr. Frank used his sway as an overseer of federal bailout money to intervene in the company's decision-making.

Mr. Frank said that he made a common-sense argument to keep the center open, and that he was only standing up for his constituents. ''I will bear up under the criticism that I have been doing too much for my district,'' he said.

Other lawmakers said the growing number of calls for intervention showed the dangers of large-scale government involvement in the auto companies, saying the result would be lawmakers trying to serve as top executives of auto companies.

''It is incestuous for members of Congress to be saying, 'Close this plant; use this model; don't buy the Volt battery in South Korea but make it in my district,'" said Senator Lamar Alexander, Republican of Tennessee, referring to the G.M. hybrid car now in development.

Senator Alexander has instituted a ''car czar of the day'' award in recognition of Congressional meddling. ''What do people in Washington know about building cars?'' he said. ''I don't think very much.''

Even lawmakers backing the dealers expressed mixed emotions about dipping into the workings of the auto companies. But the dealer closings are striking a nerve in Congress. The federal government has been coming to the aid of the auto manufacturers, which lawmakers see as then turning around and abandoning the element of the industry closest to home for most of them.

Representative Frank M. Kratovil, a Maryland Democrat who has introduced a measure that would restore the franchise agreements, portrayed the situation as a ''bailout for the big guys, but a force-out for the little guys.''

In the Senate, lawmakers have not gone as far as the House in pushing a bill to block the move by the manufacturers. But members of the Senate commerce committee this week urged Chrysler to allow dealers a chance to appeal the closures and for both carmakers to give preference to existing, profitable operations when the automakers try to set up new franchises in areas where dealers were shut off. G.M. already has an appeals process for dealers scheduled for closure.

''We think—in the interest of fairness—that profitable dealers in this situation should have a right of first refusal for the new dealership when Chrysler returns to that particular market,'' read a letter signed by Senator John D. Rockefeller IV, the West Virginia Democrat who heads the committee, along with other members. A similar letter was sent to G.M.

The car companies say that they need to scale back to be able to return to profitability and that cutting the number of dealers is crucial to that effort.

At a hearing last week of the commerce committee, Fritz Henderson, the chief executive of G.M., said that much of the growth in

his company's dealer network occurred decades ago. Since then, he said, ''our market share has shrunk, leaving us with too many dealerships.''

''Everyone agrees—even the dealers themselves—that a restructuring of G.M.'s dealer network must take place,'' Mr. Henderson said.

Some point to the millions of dollars in campaign contributions that politically active car dealers have given to Congressional candidates over the years in explaining the intense interest in going to bat for the dealers. But lawmakers say that they are only trying to protect local jobs at companies that have persevered in difficult times and that donations have nothing to do with it.

Representative Dan Maffei, a freshman Democrat from New York who helped write the measure to protect the dealers, said that in his case, local car dealers strongly supported the opposition. ''The vast majority are either nonpolitical or support the other party pretty strongly,'' Mr. Maffei said.

Mr. Maffei said he hoped his legislation, which has already attracted about 70 cosponsors, would spur new negotiations between the car companies and the dealers.

The Obama administration has so far shown no inclination to push back against the closures, noting that its efforts on behalf of the manufacturers have kept most dealers in business. And with Chrysler already cutting its ties with dealers, undoing those decisions might be difficult. But lawmakers say they intend to try.

''We are sure that if we do nothing, nothing will happen,'' said Representative Hoyer, the House majority leader and a Maryland Democrat, who is backing the effort to restore the franchise contracts.

But it may be too late to help Mr. Shaub. Workers on Thursday were answering the phone at his business as Montrose Automotive rather than Montrose Dodge. ''I am not sure this is going to do any good,'' he said of the Congressional effort.

[From Politico, June 10, 2009]

MEMBERS TAKE AUTO CLOSINGS PERSONALLY

(By Lisa Lerer)

On Monday, Republican Sen. Lamar Alexander excoriated House Financial Services Committee Chairman Barney Frank for privately urging the CEO of GM to keep a plant open in his Massachusetts district, jokingly calling Frank the ''car czar.''

But on Tuesday, Alexander admitted he's not above taking similar actions to protect a GM plant in his home state of Tennessee.

''I, of course, will urge that the Spring Hill plant be a contender for a GM product in the future,'' Alexander said. ''I'll be doing what every congressman would be doing.''

Alexander's two-sided approach captures the complicated web of interests lawmakers weave as they call for greater transparency from troubled U.S. automakers while lobbying behind the scenes to protect the dealerships, distribution plants and parts manufacturers in their own backyards.

''Members have treated a potential dealership closure just like a potential plant closing,'' said David Regan, National Automobile Dealers Association vice president for, legislative affairs. ''There's been a significant amount of congressional interest.''

Legislation that would effectively halt plans by GM and Chrysler to close dealerships is expected to move through the House Financial Services Committee, chaired by the powerful Frank.

''We in Congress have put ourselves into an incestuous position,'' said Alexander. ''We shouldn't be putting ourselves a position of making calls like that.''

Yet they can't help themselves.

On Tuesday, Sen. John Rockefeller (D–W. Va.) and 19 other members of the Senate Commerce Committee sent letters to the CEOs of GM and Chrysler asking the companies to address several issues related to the dealership closings by Friday. The committee has questions about how rural consumers will get service and about the termination of profitable dealerships, among other issues. Several of the signers are also aiding individual appeals from dealerships in their districts.

Good-governance watchdogs see abuse in the double-edged effort.

''You have Barney Frank at the table making decisions that affect the auto industry across the board and then he's playing favorites,'' said Melanie Sloan, executive director of Citizens for Responsibility and Ethics. ''You don't get to both be at the table and demanding the auto industry make concessions which includes closing dealerships, and then say, 'But not mine.' ''

But Democrats insist the individual lobbying doesn't undermine their efforts to force the auto companies to become more transparent about how they targeted dealerships for closure.

''Mostly it's going to be based on the facts and the money,'' said Minnesota Democrat Amy Klobuchar, who said she's written letters on behalf of dealers who are appealing their decisions.

''It's normal that members are going to urge for decisions to be made that benefit their constituents,'' said Sen. Carl Levin (D–Mich.). ''I don't expect that there will be a lot of changes.''

The White House auto task force wants GM to close 2,600 of its 6,000 dealerships by 2010. Chrysler told nearly 800 dealerships that they have less than a month to close. The closures could affect 100,000 workers, according to the National Automobile Dealers Association.

The companies have faced a backlash from members of Congress who argue that the market, not the automakers, should determine which dealerships stay in business. They question whether manufactures are closing profitable dealership to circumvent expensive contracts or targeting dealerships that had previously clashed with the companies.

On Wednesday, the CEOs of General Motors and Chrysler will testify before the House Energy and Commerce Committee. The Senate Banking Committee plans to question administration officials overseeing the auto rescue efforts.

''The White House needs to be fully apprised of this and [needs] to review this process,'' said Sen. Olympia Snowe (R–Maine). ''There's just no rhyme or reason to this process.''

And Snowe added that she hopes ''to have some personal calls'' with the White House about the dealership closures.

House Majority Leader Steny Hoyer said on Tuesday that he supports legislation that would force General Motors and Chrysler to honor existing contracts with dealers.

''The dealers are being affected in a way that will adversely affect many, many communities around this country without an economic benefit to the manufacturers,'' said Hoyer.

His comments followed on a Monday letter more than 120 lawmakers sent to President Barack Obama, urging the White House to delay further action until there is more review of how GM and Chrysler selected the dealerships.

''It is our view that the market should make these decisions rather than leaving it up to the manufacturers whose poor leadership contributed to their demise,'' the lawmakers wrote.

''While we understand the desire to reduce the number of unprofitable dealerships, no one has yet sufficiently explained the need to close profitable dealerships.''

Auto companies argue that the closures are necessary for their survival. The manufacturers are making fewer cars and can't support the same number of dealers.

''Ideally, automakers would love to have the sales to support the current dealer network; however, with roughly 7 million fewer units being sold this year compared to just two years ago, there are economic realties that manufacturers and dealers need to face,'' said Charles Territo, spokesman for the Alliance of Automobile Manufacturers.

BREAKING DOWN GOVERNMENT MOTORS

(By Brian Darling)

During a recent speech denouncing capitalism, Venezuelan strong man Hugo Chavez said, ''Obama has just nationalized nothing more and nothing less than General Motors. Comrade Obama! Fidel, careful or we are going to end up to his right.'' The conversion of General Motors to Government Motors should be of grave concern to all Americans. It appears that President Bush's bailout of Wall Street merely set the table for an all-out assault by the Obama administration on capitalism.

Thankfully, freedom still has a voice in Congress. Sen. Mike Johanns (R–Neb.) introduced legislation that would require Congressional approval before the government takes ownership of a private enterprise. This bill would allow Congress to stop the current shift away from free-market principles.

Johanns is not the only free-marketer. Sen. Lamar Alexander (R–Tenn.) has introduced legislation to require the federal government to distribute its ownership shares in General Motors and Chrysler to taxpayers when those companies emerge from bankruptcy proceedings. Alexander argues, ''instead of the Treasury owning 6o percent of shares in the new GM and 8 percent of Chrysler, you would own them, if you were one of about 120 million individuals who paid taxes on April 15. This is the fastest way to get the stock out of the hands of Washington and back into the hands of the American people in the marketplace where it belongs.''

Sen. John Thune (R–S.D.) also joined the fray last weekend, introducing legislation that would restore private ownership to companies that have been effectively nationalized. The Thune proposal would make July 1, 2010 a new day of independence. By that date, the government would have to sell any ownership stake acquired over the past year-and-a-half. There's no better way to fight the ever-expanding power of the federal government's ownership in private enterprises than to legislate it out of existence.

Speaking of debt, Federal Reserve Chairman Ben Bernanke told the House Budget Committee earlier this month ''we cannot allow ourselves to be in a situation where the debt continues to rise.'' Sen. Jim Bunning (R–Ky.) responded, ''Bernanke helped open up the floodgates of government spending for the last year. Did he finally have an epiphany this morning before the House Budget Committee or is he just trying to cover-up his mistakes? America is looking at mounting debt because of Chairman Bernanke's support of policies that will put the American taxpayer an estimated $2.8 trillion more in the red.'' The recent explosion of government spending and expansion of the money supply by the Fed are poor decisions by the Obama administration that will further lead America down the pothole-filled road to socialism.

THE SUPREME COURT OF HEALTH CARE

The recently released health reform legislation drafted by Sen. Ted Kennedy (D–

Mass.) contains numerous provisions that propose fundamental changes to our health care system. Many are deeply troubling. One is the call for a Medical Advisory Council that would be comprised of Washington bureaucrats with the power to make significant decisions on health policy for all Americans. This Council would become the Supreme Court of health care, and these unelected bureaucrats would make final decisions about your treatment options.

The Kennedy bill includes an individual mandate requiring all Americans to purchase a health insurance plan approved by the federal government. The Medical Advisory Council would decide what constitutes a ''qualified health insurance plan.'' It would also determine the ''essential health care benefits'' that would be included in the much-discussed and debated public-run government plan that would compete against private health insurance plans if it's created.

To recap: a faceless group of Washington bureaucrats could be making life-and-death decisions about private health care for individuals.

Rather than propose reforms that truly offer Americans better and more affordable health care, Senate Democrats and the Obama administration seem eager to expand the role of government in the lives of individual Americans and their families. By pushing legislation that contains things like the Medical Advisory Board these politicians are endangering our freedoms and seek to come between individuals and their health care choices.

''SAVE'' THE CLIMATE—HURT FARMERS

The national energy tax snaking its way through the House of Representatives has a new potential victim—farmers. The cap-and-trade scheme would increase energy prices, building costs and a slow the economy. My colleagues at The Heritage Foundation calculate that farm income, which is the pre-tax amount that farmers live on after all their expenses, would drop 28% in the bill's first year. In 2035, the last year analyzed, farm income drops a whopping 98%. These numbers should raise a red flag for Midwesteners, and cause concern among all Americans who eat.

[From the Athens Banner-Herald, June 9, 2009]

EDITORIAL: GIMMICKY AUTO BILL FRAMES SERIOUS ISSUE

The name betrays it for the political stunt that, in part, it is. But that's not to say having Georgia Republican U.S. Sen. Johnny Isakson sign on to something called the Auto Stock for Every Taxpayer Act is anywhere near as embarrassing as having another Georgia Republican in Washington, our own Congressman Paul Broun, dubbing energy legislation sponsored by Democratic legislators dward Markey and Henry Waxman the ''Wacky-Marxist bill.''

The stunt in the proposed Auto Stock for Every Taxpayer Act, sponsored by Tennessee Republican Sen. Lamar Alexander and appended to a piece of tobacco regulation legislation, is its call for the U.S. Treasury to distribute an equal share of stock in General Motors and Chrysler to the 120 million Americans who filed tax returns on April 15.

The distribution would be undertaken a year after the companies emerge from bankruptcy, on the argument that American taxpayers who are funding the federal bailouts of the two companies hold, through the U.S. Treasury, 60 percent and 8 percent ownership stakes, respectively, in the enterprises.

Of course, the flaw in this proposal is that it's far from clear what General Motors and Chrysler will look like, and what their stock will be worth, even a year after they emerge from bankruptcy. For a reality check, take a look at GM stock. Delisted from the New York Stock Exchange as its stock hit 75 cents per share, GM was trading Tuesday afternoon around $1.50 per share on the over-the-counter market.

And, of course, the fact that the federal government now has a hand in running the auto companies isn't necessarily cause for optimism. As Alexander noted in a news release on his proposal last week, ''there are at least 60 congressional committees and subcommittees authorized to hold hearings on auto companies and most of them will, probably many times. You can just imagine the questions. About what the next model should look like. About which plant should be closed. . . . What the work rules and salaries should be?''

So maybe the Auto Stock for Every Taxpayer Act isn't the key to boosting millions of American families' college or retirement funds. But that—except for the fact that it allows a catchy title to be assigned to the legislation—isn't necessarily the point here.

The real meat of the proposal is its call to prohibit the U.S. Treasury from using any more federal Troubled Asset Relief Program fund—read American taxpayer dollars—to bail out GM or Chrysler. As Isakson correctly notes in his own news release announcing his support for Sen. Alexander's bill, ''I believe it was obvious back in December 2008 that a structured bankruptcy was the correct path for GM and Chrysler to restructure their debt and contracts. By giving these companies taxpayer funds from TARP, the administration only delayed the inevitable . . . .''

Outside its somewhat gimmicky approach, the Auto Stock for Every Taxpayer Act does serve to highlight the serious philosophical issues surrounding the question of whether the free market should be allowed to operate unfettered with regard to major segments of the American automobile industry.

It's a question that deserves some serious consideration in Congress.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

TRAVEL PROMOTION ACT

Mr. NELSON of Florida. Madam President, the distinguished Senator from Tennessee is a great gentleman. He is a pleasure to work with.

The legislation that is on the Senate floor is the Travel Promotion Act. This is an important piece of legislation that will help our economy because it promotes travel to the United States, and it promotes travel to areas not traditionally visited which will highlight the United States as a premier travel destination. The bill initiates a nationally coordinated travel promotion campaign established in a public-private partnership to increase international travel to the United States. It also creates a corporation for travel promotion, an independent, nonprofit corporation, to run the travel promotion campaign. The program will be funded equally by a small fee paid by foreign travelers coming into the United States and by matching contributions from the travel industry.

It is interesting that the Department of Commerce announced that 3.8 million international visitors traveled to this country in March 2009, which was a decrease of 20 percent compared to March of 2008. Total visitation in the first quarter of 2009 was down 14 percent from the first quarter of 2008. International visitors spent almost $10 billion during the month of March, 16 percent less than they had a year ago. This March of 2009 marks the fifth consecutive month of decreases in international visitor spending. So the bill is going to go a long way to help reverse the declining trend.

I remember back in the 1980s, when I, as a Member of the House of Representatives, chaired the U.S. Congressional Travel and Tourism Caucus. We had this little agency in the Department of Commerce that leveraged so much of the taxpayers' dollars by advertising overseas to get visitors to come here which brought spending to our shores. That is what we are trying to recreate here in the meantime and have been shut down. We are certainly cutting off our noses to spite our faces. This legislation clearly is something that is important to the country.

It is important to Florida because, of course, my State is one of the first destinations of foreign travelers coming to the United States. Despite obvious attractions such as Disney World, Florida beaches are ranked 1, 2, and 3, and No. 9 in a recent ranking of all beaches as the best beaches in the United States. Clearly, this is good for Florida. It is good for the United States. I hope we will get on with it and pass this legislation.

RISING GAS PRICES

Mr. NELSON of Florida. Madam President, while we debate the Tourism Promotion Act, we are remiss to not mention the fact that as we are going into this travel and tourism season of summer, what is happening with gas prices. Gas prices have risen for the last 50 days. It has been the longest record streak of rises, dating back to 1996. The national average of gas has gone from $1.61 a year ago to more than $2.67 a gallon today. Crude oil is now over $70 a barrel. It has doubled in the last 4 months. How soon we forget the lessons we learned a year ago during last summer. In the runup of the oil and gas prices, it wasn't the result of the fundamental concepts of supply and demand. It is largely runup due to excessive and unchecked speculators on unregulated commodities futures markets, running up the price of oil as they speculate buying and selling.

It is a fact that across America, we are using less gas. According to the Energy Information Administration, demand for petroleum products in this country is lower today than it was 10 years ago. According to the EIA, the supply of petroleum products is higher than it was in 1982. So we wonder why. If this isn't being caused by supply and demand, which it isn't, but gas prices keep going up, what is happening?

There is going to be an amendment on this bill offered by Senator SANDERS. I ask unanimous consent to be

added as a cosponsor of amendment No. 1330.

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

Mr. NELSON of Florida. That amendment is identical to legislation passed in the House of Representatives by a whopping vote of 402 to 19. It will put the brakes on excessive speculation in the oil markets. The bill directs the Commodities Futures Trading Commission to use its existing authority, including its emergency powers, to immediately curb the role of excessive speculation in any market it regulates and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations, or unwarranted changes in prices.

We wonder how does this occur. It occurs because as people get into the marketplace wanting to protect against the future rise of the price of a barrel of oil, they buy a contract to lock in a certain price for that oil to be delivered in the future. Naturally, a business that would want to do that would be, for example, the airlines. If they think the price of oil is going up, they want to get in and buy a supply of that petroleum at the price now before it goes up. What happens is, when these commodities exchanges were unregulated by the Enron loophole in December of 2000, there is no regulatory authority by these exchanges.

So, for example, they could not require a certain amount to pay down, if you are going to buy that futures contract. And if you don't have to pay anything down, then there is no skin in the game of just continuing to buy and bid up the price. Or, for example, they could require that you had to buy those contracts because you had a reasonable expectation you were going to use that in the future, like an airline company. But, no, what happens is, if you don't have to have that reasonable expectation, the people who want to get in and ride that price up—in other words, the speculators, such as the condo flippers who buy a condo because the rise in price is going to occur and will flip the contract for the purchase of the condominium without ever having to close. It is the same concept of speculation.

We should note this does not apply only to the markets the Commodities Futures Trading Commission does regulate. There are still dark markets beyond the regulators' control. There is respectful debate amongst some in the Senate over the reach of the provision we passed in the farm bill last year that gave the Commodities Futures Trading Commission the oversight over unregulated trading of large oil contracts.

We have to go further. I recently learned that the commission, the CFTC, is now utilizing its new authority for the first time. I believe what we have to do is to give them additional tools to go further than just discretionary oversight and that they should be able to regulate all energy trades.

In addition to the Sanders amendment, ultimately, I wish the Senate would consider a bill I have filed that would simply turn the clock back to December of 2000 when the Enron loophole was passed, before these sweeping changes were made that allowed rampant and excessive speculation in the energy markets.

LEADERSHIP AT THE CPSC

Mr. NELSON of Florida. Madam President, I wish to speak to the nomination of Inez Tenenbaum to be Chair of the Consumer Product Safety Commission. Over the past few years, the Consumer Product Safety Commission has faced a number of serious challenges: inadequate staffing, insufficient funding, a product testing facility that was a joke. As a matter of fact, we saw a picture of it—it was a couple of cardboard tables with all of the imported toys dumped on it—when we were having that trouble with the defective imported Chinese toys. Most significantly, it lacked leadership at the top.

We took action last year, and we gave the CPSC new authority, new funding, and a new lab facility. Today we have to deal with the final issue, and that is leadership. I commend to the Senate that I think Inez Tenenbaum is going to be that leader. She had her nomination hearing earlier this week in the Commerce Committee. Throughout her career in the South Carolina Legislature, Inez Tenenbaum showed compassion and leadership on environmental and children's issues. Then she was South Carolina's superintendent of education. It was an elected position. She took charge and reinvigorated an agency with over 1,000 employees. By the time she stepped down from that post in 2007, she was recognized for her efforts to improve the accountability, standards, and performance in South Carolina's public schools. I think this is exactly the kind of leadership the CPSC needs at this time. I met with her personally, and I know her personally, and I strongly support her nomination.

So my concluding comment is, we are not only having problems in Florida with Chinese drywall—Chinese drywall that is completely ruining the lives of people in their homes because of the smell and the corrosion and the sickness that it is bringing on to people—lo and behold, they are finding that Chinese drywall now in daycare centers, in commercial buildings, and it is even reported in Virginia that they are finding it in a hospital.

This is going to be a big issue in front of the Consumer Product Safety Commission. They have the authority under the law to do something about it. They have lacked the leadership. Now, with Inez Tenenbaum, they ought to be able to start doing the regulatory oversight that the U.S. Government should have been doing in the first place with these defective imported products into our country.

That is why I think we need to go ahead and get Ms. Tenenbaum confirmed as quickly as possible.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

ORDER OF PROCEDURE

Mr. ISAKSON. Madam President, how much time remains on our side in morning business?

The ACTING PRESIDENT pro tempore. Eighteen and a half minutes.

Mr. ISAKSON. Madam President, I ask unanimous consent that the time be divided between myself and Senator MCCAIN.

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

Mr. ISAKSON. Thank you, Madam President.

TRAVEL PROMOTION ACT

Mr. ISAKSON. Madam President, to the Senator from Florida, who left quickly—I am sorry he left—I want to associate myself with the first part of his remarks with regard to the tourism bill. He is a Floridian. Florida is a tourism destination, and it is the No. 1 business in Florida, but you have to go through Georgia to get there. So I have to chime in and say, he is exactly right. Given the economic conditions our country is experiencing right now, tourism is one business we can be a catalyst for that will pay back both in terms of revenues and tax dollars, but, more importantly, in terms of jobs. So I want to associate myself with his support of the tourism bill in that portion of his speech.

HEALTH CARE

Mr. ISAKSON. Madam President, for just a minute, I want to talk about health care. I am a member of the Health, Education, Labor and Pensions Committee. We began yesterday the opening statements on the bill that is pervasive in its coverage around the country as to the future of health care in America.

I rise as one not to be a critic but to lay out the challenge this legislation portends for all of us and maybe to raise some points that thoughtfully will be considered before we make a serious mistake on the funding side, the expense side, and the borrowing side.

A few weeks ago, in Georgia, at a Rotary speech, I referred to ''a trillion-dollars in debt.'' A gentleman stood up in the Q and A section of that time, and he said: Senator ISAKSON, I only got a high school education. Can you explain to me what a trillion is?

I do not know how many of you have thought about that, but if you had to do it right now, could you explain what it is? I could not. So I decided to go home that night and figure out some easy way to demonstrate how much a

trillion is. I thought maybe it would be good to determine how many seconds it takes for a trillion seconds to go by. So I did the math on the calculator. I thought I made a mistake and did it again. I had it checked.

It takes 317,097 years, 11 months, and 2 days for a trillion seconds to go by. That is almost incomprehensible, but it does give you some idea of the issues we have to be concerned about in terms of spending and cost and savings.

The CBO has scored the parts of the health bill that have actually been drafted—which is about two-thirds of it—at a potential cost of $1 trillion over 10 years. Obviously, we are going to have to pay for that. There have been some discussions in the last few days of suggested pay-fors. But I want to discuss for a minute how we have to be very careful not to use words such as ''a pay-for'' that in fact only move obligations around.

For example, President Obama, for whom I have great respect, said to the medical association on Monday that one of the pay-fors, by having public coverage for everybody, would mean there would be no indigent patients; therefore, everybody would be getting paid for their services and that would save us $11 billion a year in DSH payments, which is the disproportionate share of treatments which charity hospitals in New York and Atlanta get through Medicaid because they take a disproportionate number of indigent patients.

There is only one flaw in that analysis. Yes, we might not appropriate $11 billion a year for disproportionate share anymore, but we are not doing it because we are raising Medicaid coverage to 150 percent of poverty and providing health insurance through a public plan. So the cost remains the same. It just moves from a cost to pay charity hospitals for disproportionate share to a cost of providing the coverage through Medicaid or through the private plan.

The unintended consequence of removing disproportionate share would be taking the economic model through which charity hospitals are financed and turning it upside down. Because in my city of Atlanta, for example, where Grady Hospital exists—and Grady has gone through a reformation; we have created a foundation, and we have done everything we can to save the hospital—it gets a tremendous part of the DSH payment from Medicaid for disproportionate share because it takes a disproportionate number of the indigent patients because private for-profit hospitals will not. But if private for-profit hospitals have indigent patients who now have coverage, and they are closer to the patient than Grady is, the patient will then go to the private hospital, so the DSH payment goes down or evaporates for the public hospital, and so does the funding mechanism upon which their public bonds and their public debt were financed. So we have to be careful about the unintended consequences.

Secondly, on Medicaid, I am a product of the Georgia State legislature, and I know the distinguished Acting President pro tempore today is a product of the New York Assembly. We all dealt with Medicaid. Medicaid is a program where the Federal Government pays about two-thirds of it. The States pay about a third of it. And the States run it.

When we got into this business of expanding Medicaid under this legislation to 150 percent of poverty—which is a 50-percent increase in eligibility—I thought back to my days in the legislature about how much money that was that my State then was going to have to come up with under the one-third match.

In Georgia, in 1968—the first year we had Medicaid—the State's share of Medicaid for the year was $7,791,000. In 2008, the State's share was $2,468,376,258, which would go up by $1 billion if we raised the eligibility to 150 percent.

I know the President has said that for 4 years the Federal Government will take over the entire obligation of that increase to 150 percent. But that is only putting off the inevitable for the States, which will be a percent of their budget they cannot afford.

Medicaid, in Georgia, in 40 years has gone from 1 percent of our budget to 12 percent of our budget. With this proposal, it would go to 18 percent.

We must remember, in the economic stimulus bill, a significant amount of that money was Medicaid money to go to the States to fund what is already an existing shortfall.

So I come to the floor to say this: I am for every goal of the preamble of the health care bill that has been introduced in the HELP Committee. I want to make policies more affordable, coverage more pervasive, access easier, and I want to lower costs. But as Acting Chairman DODD said yesterday in the committee, history will not look favorably on you if you do not do something because it is hard. He is right. But neither will history look favorably upon you if you do something easy when it is hard. This is hard work, and we cannot take the easy way out to pile debt on the people of the United States of America.

Hopefully we will thoughtfully consider these ramifications I have discussed and others and move forward with a health proposal we can pay for and that accomplishes its goals rather than an easy answer that puts us in a desperate situation as a country and ultimately takes us to an economic demise in this country.

Madam President, I appreciate the time and I yield to my colleague from the great State of Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I appreciate very much the wise words of the Senator from Georgia, who has been heavily involved in health care issues dating back to his time in the Georgia legislature and brings a unique perspective to the issue, that of a person who has had to, as an elected representative, wrestle with these issues from not only the Federal level but also the State. So I appreciate his words.

As the Senator from Georgia pointed out, this is probably the single most important domestic issue that will be taken up by the Congress of the United States, at least this year, and maybe in the next couple years, and maybe in a long time when you look at the fact that we are addressing an issue that basically consumes one-fifth of our gross national product, not to mention the fact that the system is broken, that the inflationary pressures are unsustainable, and there are millions of Americans who do not have access to quality, affordable health care.

So where are we now in the Senate? I think it is time for a little status report.

The Finance Committee—remember, there are two committees that are on parallel tracks taking up this health care legislation, the Finance Committee and the Health, Education, Labor and Pensions Committee—the Finance Committee yesterday announced they will delay their consideration until after the Fourth of July recess.

The day before, the Congressional Budget Office came out with a report that was nothing less than stunning. It indicated that the proposal the Senate Health, Education, Labor and Pensions Committee is considering would have a cost of $1 trillion and only insure approximately one-third of the 47 million who are uninsured, which would lead one to the conclusion—doing the most elementary math—that if we were able to insure all of the uninsured in America, that would be a cost of $3 trillion. And we still have no proposal as to how we would pay for this dramatic expansion of the role of government in America's health care system.

Never before in the years I have been here have I seen a ''markup,'' which means we begin the amending process of a bill through the legislature, as we teach our children in school, and yet three major policy pages are still completely blank—completely blank.

We are told we will see these new policies at some point tomorrow. That is after we were told we would see them today. And then the majority, the Democrats, who are coming up with this language themselves—without any consultation with this side of the aisle—will give us a chance to review it. Those three areas are the most difficult aspects of reforming health care in America.

Those policies, as we all know, concern the way we pay for the new language on employer mandates, the government plan, and the biologic drug regulation.

There is a government option that will be part of this legislation, i.e., a government takeover eventually, in

my view, of the health care system in America, something a majority of Americans have voiced their deep concern about—employer mandates, and biologic drug regulation.

So here we are supposedly moving forward, and the administration spokesperson in the last couple of days said the bill that is being considered by the HELP Committee is not, ''the administration's bill.'' What is the administration's bill? Where is the administration's bill? We have no idea what the provisions I just mentioned will cost or whether they will create jobs and whether the American people will be called upon to pay an increase in taxes and, if so, who will pay them. I do not know how you move forward with legislation that, frankly, you do not know how you are going to pay for.

How can the President and the majority expect the American people to take them seriously when they talk of wanting a bipartisan product that addresses their needs when, at the same time, majority members and their staff have written the entire bill without any input from this side of the aisle? I assure you, the American people would have much more confidence in this effort if both Republicans and Democrats were working together on health care reform. Instead of changing Washington, it sounds an awful lot like a one-sided effort to jam a bill through before the American people understand what is in it.

This morning, there is some very interesting data. According to a CBS/New York Times survey, the President holds a 57-percent approval rating, which is very good. On health care, his approval rating is 44 percent. That is way down, and it is down because the American people are beginning to figure out that we are going to have a proposal that will end in government control of American's health care, it will squeeze out competition, and it will be incredibly expensive. As I mentioned, the CBO preliminary estimate is $1 trillion, but insures only one-third of the American people, and it leaves 32 million people without health insurance.

So we hear that the Finance Committee, as I mentioned, is in such disarray over the costs and policies in their bill that they have postponed their consideration until after the Fourth of July break. They obviously don't have their policies together enough to move forward. It appears to me, from my service on the Health Committee, that it does not either.

I think the only reasonable thing to do is to go back to the drawing board. Let's go back to the beginning. Let's sit down together and work out a reasonable proposal that we can go to the American people with that says we will provide them with affordable and available health care. Every American knows the costs are out of control, everybody knows it needs to be reformed. But we will do so without a government takeover of America's health care system.

Madam President, I yield the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. HARKIN. Madam President, on behalf of the majority leader, I yield back whatever time remains in morning business for this side.

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

Is the Republican time also yielded back?

Mr. BROWNBACK. Madam President, on behalf of the Republican leader, I yield back the time on our side.

The ACTING PRESIDENT pro tempore. Morning business is closed.

APOLOGIZING FOR THE ENSLAVEMENT AND RACIAL SEGREGATION OF AFRICAN AMERICANS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. Con. Res. 26, which the clerk will report.

Mr. HARKIN. Madam President, I ask unanimous consent that the clerk read the entire text of the resolution.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 26), apologizing for the enslavement and racial segregation of African Americans.

Whereas, during the history of the Nation, the United States has grown into a symbol of democracy and freedom around the world;

Whereas the legacy of African Americans is interwoven with the very fabric of the democracy and freedom of the United States;

Whereas millions of Africans and their descendants were enslaved in the United States and the 13 American colonies from 1619 through 1865;

Whereas Africans forced into slavery were brutalized, humiliated, dehumanized, and subjected to the indignity of being stripped of their names and heritage;

Whereas many enslaved families were torn apart after family members were sold separately;

Whereas the system of slavery and the visceral racism against people of African descent upon which it depended became enmeshed in the social fabric of the United States;

Whereas slavery was not officially abolished until the ratification of the 13th amendment to the Constitution of the United States in 1865, after the end of the Civil War;

Whereas after emancipation from 246 years of slavery, African Americans soon saw the fleeting political, social, and economic gains they made during Reconstruction eviscerated by virulent racism, lynchings, disenfranchisement, Black Codes, and racial segregation laws that imposed a rigid system of officially sanctioned racial segregation in virtually all areas of life;

Whereas the system of de jure racial segregation known as ''Jim Crow'', which arose in certain parts of the United States after the Civil War to create separate and unequal societies for Whites and African Americans, was a direct result of the racism against people of African descent that was engendered by slavery;

Whereas the system of Jim Crow laws officially existed until the 1960's—a century after the official end of slavery in the United States—until Congress took action to end it, but the vestiges of Jim Crow continue to this day;

Whereas African Americans continue to suffer from the consequences of slavery and Jim Crow laws—long after both systems were formally abolished—through enormous damage and loss, both tangible and intangible, including the loss of human dignity and liberty;

Whereas the story of the enslavement and de jure segregation of African Americans and the dehumanizing atrocities committed against them should not be purged from or minimized in the telling of the history of the United States;

Whereas those African Americans who suffered under slavery and Jim Crow laws, and their descendants, exemplify the strength of the human character and provide a model of courage, commitment, and perseverance;

Whereas, on July 8, 2003, during a trip to Goree Island, Senegal, a former slave port, President George W. Bush acknowledged the continuing legacy of slavery in life in the United States and the need to confront that legacy, when he stated that slavery ''was . . . one of the greatest crimes of history . . . The racial bigotry fed by slavery did not end with slavery or with segregation. And many of the issues that still trouble America have roots in the bitter experience of other times. But however long the journey, our destiny is set: liberty and justice for all.'';

Whereas President Bill Clinton also acknowledged the deep-seated problems caused by the continuing legacy of racism against African Americans that began with slavery, when he initiated a national dialogue about race;

Whereas an apology for centuries of brutal dehumanization and injustices cannot erase the past, but confession of the wrongs committed and a formal apology to African Americans will help bind the wounds of the Nation that are rooted in slavery and can speed racial healing and reconciliation and help the people of the United States understand the past and honor the history of all people of the United States;

Whereas the legislatures of the Commonwealth of Virginia and the States of Alabama, Florida, Maryland, and North Carolina have taken the lead in adopting resolutions officially expressing appropriate remorse for slavery, and other State legislatures are considering similar resolutions; and

Whereas it is important for the people of the United States, who legally recognized slavery through the Constitution and the laws of the United States, to make a formal apology for slavery and for its successor, Jim Crow, so they can move forward and seek reconciliation, justice, and harmony for all people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the sense of the Congress is the following:

(1) APOLOGY FOR THE ENSLAVEMENT AND SEGREGATION OF AFRICAN-AMERICANS.—The Congress—

(A) acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws;

(B) apologizes to African Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws; and

(C) expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty, and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices, and discrimination from our society.

(2) DISCLAIMER.—Nothing in this resolution—

(A) authorizes or supports any claim against the United States; or

(B) serves as a settlement of any claim against the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes of debate with respect to the concurrent resolution, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, the clerk read, for the first time ever in this body, what we should have done a long time ago: an apology for slavery and the Jim Crow laws which, for a century after emancipation, deprived millions of Americans their basic human rights, equal justice under law, and equal opportunities. Today, in the Senate, we unanimously make that apology.

First of all, I wish to thank my friend, Senator SAM BROWNBACK, for all his hard work over the last couple years working together to get this finally to this point. I can't thank him enough. He wouldn't give up, and he stuck in there with us all the time, working to make sure that this day would come. I thank him profusely for his help in this effort.

I also wish to publicly thank Congressman STEVE COHEN, on the House side, who is the leader of this resolution that they will pass soon over there.

John Quincy Adams once remarked that:

> Our country began its existence by the universal emancipation of man from the thralldom of man.

Indeed, America's purpose and enduring ideal can be summed up in one simple, but powerful, sentence:

> We hold these truths to be self evident that all men are created equal, endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

Yet, as we all know, for too long, many in this country were not free. Many lived in bondage. Many Americans were denied their basic human rights and liberty. From 1619 to 1865, over 4 million Africans and their descendants were enslaved in the United States. Millions were kidnapped from their homeland and suffered unimaginable hardships, including death, during the Middle Passage voyage to America—a crime against humanity. In Elmina Castle, on the coast of Ghana, a place I recently visited, there is a chillingly named ''Door of No Return''—an infamous open portal which, as one looks over the horizon across the Atlantic, makes all too clear the excruciating inhumanity and horror faced by the men and women shackled inside this Castle as they were led through that door and put on the slave ships bound for America; led through that door, enslaved, never to return to their families, their tribe or their native land.

On American soil, these individuals were treated as property. These human beings were denied basic rights, including the right to their own name and heritage; any rights to education; even the right to maintain a family were denied to them. As Chief Justice Taney sadly made all too clear in the infamous Dred Scott case, he said of African Americans—and I quote from his decision—African Americans:

> [Were] not included, and were not intended to be included, under the word ''citizens'' in the Constitution, and [could] therefore claim none of the rights and privileges which that instrument provides for and secures to the citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to grant them.

That is one of the saddest decisions ever made by the Supreme Court of the United States.

While the Reconstruction amendments—the 13th amendment banning slavery, the 14th amendment granting full citizenship to all Americans, and the 15th amendment guaranteeing the right to vote—espoused the principles of equality for all, widespread oppression continued. Under slavery's harsh replacement, Jim Crow, African Americans were denied voting rights, denied employment opportunities, denied access to public accommodations, denied entry into military service, denied criminal justice protections, denied housing, education, police protection, and due process. In short, they were denied their very humanity. Not until passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and other Federal protections, did legal segregation officially cease in this country.

The destructive effects of both slavery and Jim Crow remain, however. As President Bush noted, ''The racial bigotry fed by slavery did not end with slavery or with segregation.'' President Clinton likewise stated that the racial divide is ''America's constant curse.'' Today, many African Americans remain mired in poverty, and average incomes remain below that of White Americans. There remains an achievement gap in education, and for many health conditions, African Americans bear a disproportionate burden of disease, injury, death, and disability. African Americans are, moreover, disproportionately involved with the criminal justice system.

Recently, States—Alabama, Connecticut, Maryland, Florida, New Jersey, North Carolina, and Virginia—enacted resolutions apologizing for the role their States played in sanctioning and promoting slavery and segregation.

Corporations such as J.P. Morgan, Aetna, and Wachovia have also acknowledged and apologized for their role in, and profit from, slavery.

Slavery, Jim Crow laws, and their lasting consequences, however, are an enduring national shame. It was the United States that enshrined slavery in the Constitution and protected it for nearly a century. It is Congress that passed the shameful laws, such as the Missouri Compromise of 1820 and Fugitive Slave Law of 1850, which protected and furthered slavery. It was our Nation's Supreme Court which bolstered slavery and legally sanctioned segregation, as I said, in the Dred Scott case of 1857, and Plessy v. Ferguson in 1896. The Court said we could be separate but equal. It was the Federal Government which was officially segregated. By 1913, all Federal departments were segregated. It was the United States which kept African Americans who wanted nothing more than to serve their country segregated in the military. It was not until 1948 that President Truman issued the executive order desegregating the military.

Presidents as far back as John Adams have acknowledged the injustice of slavery. In 1998, President Clinton spoke of the evils of slavery and expressed regret for America's role in the slave trade. In 2004, President Bush visited Goree Island, a holding place for captured slaves in Africa, and spoke of the wrongs and injustices of slavery, calling it ''one of the great crimes of history.''

Moreover, in 1988, Congress rightly apologized for the internment of Japanese Americans held during World War II. In 1993, Congress justly apologized to native Hawaiians for overthrowing their king. The Senate has correctly apologized for its failure to enact antilynching legislation. Last year, as part of the Indian health bill, the Senate passed an amendment apologizing, rightfully, to Native Americans.

Yet this Congress has never offered a formal apology for slavery and Jim Crow, and it is long past due. A national apology by the representative body of the people is a necessary, collective response to a past collective injustice. It is both appropriate and imperative that Congress fulfill its moral obligations and officially apologize for slavery and Jim Crow laws.

As we acknowledge and apologize for this great injustice, we would be remiss, however, to fail to recognize those Americans who, with great courage, fought to ensure that this country lived up to its founding ideals. Hundreds of thousands served their country

and risked their lives so others could be free, and many gave, in the words of Abraham Lincoln, ''the last full measure of their devotion.''

From the beginning of the Republic to the present, individuals of all races, nationalities, genders, creeds, and religions have risked much, including their lives, striving for a better and more just America. It is these often nameless individuals who registered voters in the Mississippi Delta, marched over the bridge at Selma, fought for better jobs and housing in northern cities, and desegregated lunch counters.

I point to people such as Edna Griffen, John Bibbs, and Leonard Hudson. In 1948, they entered Katz Drugstore in Des Moines, IA, on a hot summer day and ordered Cokes and ice cream at a segregated lunch counter. When the manager refused to serve them because the store did not ''serve coloreds,'' Ms. Griffen refused to leave, and outraged Iowans responded with sit-ins and picketed Katz and other restaurants that refused to serve people because of their race. And they won. The lunch counters were desegregated. Who but a handful knows of Edna Griffen, John Bibbs, or Leonard Hudson? It is only because of the extraordinary acts of bravery by ordinary Americans like these in all corners of this country that the mighty walls of oppression have been torn down. As this Nation formally apologizes and acknowledges slavery and Jim Crow, we must also recognize that this Nation owes these individuals, most known only to their friends and families, an enormous debt of gratitude.

As we make this formal apology, moreover, we must acknowledge and celebrate the deep, lasting contributions that slaves, former slaves, and their descendents have made to this country in every field of human endeavor—law, literature, science, medicine, art, business, education, sports, and politics. Indeed, the list goes on and on. Six months ago, an African American took the oath of office as President of the United States for the first time in our Nation's history.

In conclusion, I want to read from the resolution, so all those in the gallery and the American people hear the long overdue words emanating from this body:

Congress acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow law; apologizes to African Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow law; and expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices and discrimination from our society.

In closing, I think it is important to note that this resolution will soon pass by unanimous consent, which means every Senator supports it without objection.

Finally, let us make no mistake, this resolution will not fix lingering injustices. While we are proud of this resolution and believe it is long overdue, the real work lies ahead. Let us continue to work together to create better opportunities for all Americans. That is truly the best way to address the lasting legacy of slavery and Jim Crow.

Madam President, I yield the floor.

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

Mr. BROWNBACK. Madam President, first, I start with acknowledging a couple of individuals. First and foremost, the Senator from Iowa, Senator HARKIN, has orchestrated and navigated this matter to bring it forward. I think everybody owes a deep debt of gratitude to him and his staff for getting this done.

This is a significant day and a significant event. It doesn't happen without a lot of effort. It is going to be one of those days and places and times that goes down in history in this body. It is important. It is important to us. It is important to the Nation, and it is important that it be clearly acknowledged, and it is going to get done. I thank my colleague from Iowa for getting this organized and moving it forward. I also thank, obviously, the majority leader for setting this time up, the Republican leader, and our colleagues, particularly Senator LEVIN, who is a sponsor, and on our side, Senator COCHRAN, Senator BOND, and many others.

I ask unanimous consent at this time that Senator CORKER be added as a cosponsor to the resolution.

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

Mr. BROWNBACK. Also, our staffs worked very hard on this. I have to thank LaRochelle Young on my staff, who has worked hard on this issue. She has been dedicated to get this through and forward. I thank her for her great work.

It is my experience that apologies are tough to do. They are tough as individuals, tough as groups, and tough as nations. When this issue would come up, a lot of people would say: Yes, I acknowledge that happened, but I didn't do it or that happened a long time ago, so can't we move past it? Yet my experience has been that until you actually acknowledge the wrong that has been done and say, ''I did this and it was wrong and I apologize,'' there remains a barrier there—something you cannot get over, no matter how many words you put around it, no matter how much feeling may be there, until you actually say it. That is why apologies are tough, because they are hard to do when they get right at the core of the issue. They get at the core that a wrong was done. What we are saying in the Senate today is that a wrong was done—a wrong of slavery was done by the Federal Government of the United States, a wrong of segregation was done by the Federal Government of the United States. We acknowledge that. We say it was wrong and we ask for forgiveness for that.

It doesn't fix everything, as Senator HARKIN pointed out but it does go a long way toward acknowledging it and it gives us the ability to move to the next step in building a more perfect union, and do the things that Martin Luther King would talk about, where you can have a colorblind society. It is significant and important that we do it.

I think in my own personal experiences in this category, learning about William Wilberforce, from the British Parliament, who worked on ending the slave trade in Great Britain. It was a key issue for them to get over that hurdle. It took years and they got it done. I also acknowledge friends of mine, in current iterations, who traveled across America with a kettle. This kettle was a kettle that former slaves used to cook in. They would do the evening cooking for their meals in it. This was kind of the gathering place for the slaves—this gentleman's ancestors' kettle. He took it around the country and he would talk about them getting together and using it for a meal. After the meal was done, they would clean the kettle, and it was big enough that they would actually huddle under the kettle and pray. They would pray for their freedom. That was the kettle tour. Their aspiration and hope for so many years was to be free. They were taking the kettle around the country as a physical symbol of the yearning for freedom that the people had. The slaveowners would get mad about it, but they could not hear them as they would mutter their silent and soft prayers under the kettle. I have seen many different physical representations of what has taken place.

I grew up in eastern Kansas, where the fight started about whether my State would be a free State or a slave State. In the Nebraska-Kansas compromise that this body crafted, Nebraska was supposed to be a free State and Kansas a slave State because Iowans would come across to Nebraska and populate that. Missourians were closer to Kansas and they would populate Kansas and be a slave State and maintain that balance of power. That is also something we should apologize for. John Quincy Adams called slavery the ''original sin of the United States,'' for which we are asking forgiveness today. And in that situation developed my part of eastern Kansas—known as Bleeding Kansas because while people did come across who were proslavery, other individuals organized from the Northeast to populate Kansas, and they were abolitionists and they came with a desire to fight for freedom. There were many irregular battles that took place, guerilla warfare, the Battle of Osawatomie, where my mother grew up, the burning and sacking of Lawrence, and all this back and forth about slavery taking place.

Just before the Battle of Osawatomie, John Brown said—and he was in that fight, and one of his sons was killed in it—there will not be peace in this land until the issue of slavery is resolved. He was right. Less than 10 years later, the Civil War broke out over the issue of slavery.

Today in the Senate, we pledge to move beyond this shameful period, and we officially acknowledge and apologize for the institution of slavery in this country—what many refer to as the original sin of America—which was once woven into the fabric of our Nation, and for the Federal laws we passed in this Chamber and upheld by the highest Court in our land, the Supreme Court. My colleague has already referred to some of those laws, but I want to refer passingly to several as well, laws such as the Fugitive Slave Law, first approved on February 12, 1793, and subsequently amended in 1850 and 1864, which sought to punish those persons who dared to escape the brutality of slavery and those who helped to free individuals in bondage. Not only would a suspected runaway slave be dragged into court, but they would be unable to say a word on his or her behalf, not one word. They weren't allowed to say a single word.

My colleague mentioned the Missouri Compromise of 1820, which was crafted as a solution to the ever-increasing and volatile dispute over the question of slavery in the United States. In 1819, when Missouri sought statehood, the question was whether Missouri would be admitted to the Union as a slave State or a free State. This set off an intense debate between northern and southern legislators. Missouri's ratification would upset this delicate balance between slave States and free States in the Senate.

In order to keep the already tenuous balance, Henry Clay worked out a compromise consisting of three parts: Maine would separate from Massachusetts and be admitted as a free State, Missouri would enter the Union as a slave State, and the remaining territories of the Louisiana Purchase would be closed off to slavery.

However, unrest around the brutal practice of slavery continued until further compromises came forward. Additionally, a compromise to outlaw the slave trade, but not slavery, in the District of Columbia—where we are today—was enacted to facilitate the retrieval of slaves who had run away to the North. While this compromise did little to satisfy the antislavery movement, it did temporarily preserve the Union, and many historians refer to this period as the ''calm before the storm.'' And then my State enters—Bleeding Kansas.

As the United States continued to expand, the very fabric of our Nation was about to be torn in two regarding a people's right to be free. In the midst of this debate was my great State of Kansas.

On May 30, 1854, the Kansas-Nebraska Act became law. Frederick Douglass deemed the new law ''an open invitation to a fierce and bitter strife,'' and those words proved to be very prophetic. Shortly after the Kansas-Nebraska Act became law, there was a rush to settle Kansas. As I mentioned, both proslavery and abolitionists alike were determined to settle Kansas for their cause. The turmoil continued. We had bloody balloting, we had stolen elections taking place, until we did finally enter the Union as a free State.

There were passions surrounding that which ignited even on the Senate floor, passions that abolitionist Senator Charles Sumner delivered a rousing speech on the Senate floor called ''The Crime Against Kansas,'' accusing proslavery Senators of siding with slavery. In apparent retaliation, Congressman Preston S. Brooks attacked and beat Charles Sumner senseless with a cane—an issue of some high memory on this floor even today.

Following on June 2, 1856, there was retaliation. The Battle of Black Jack, in my State, ensued, which is widely believed to be the first conflict between free State supporters led by John Brown and the proslavery supporters, as well as one of the first battles of the Civil War.

These things continued until my State came into the Union.

I do wish to conclude at this point in time with noting just the importance of apologies. As I mentioned at the outset, they are difficult and they are important and they are hard to do and they are significant. Today, we right that wrong of not offering an apology previously. Today, we move forward in a spirit of unity. Today, we move toward a true cleansing of our Nation's past sins rooted in racism.

There may be those who consider an apology insignificant or purely for symbolic means. I completely disagree. In 1988, Congress apologized for the internment of Japanese Americans held during World War II. When asked in an interview 20 years after the apology was signed to give thoughts on the matter, Aiko Yamamoto, who at the time of the interview was 72, said: ''It was the apology that mattered.'' Similarly, Norman Mineta, former Congressman and U.S. Secretary of Commerce and of Transportation, who was also interned during World War II, said of the apology: ''It will always mean more to me than I can ever adequately express.''

However, the cleansing effects of an apology are not only limited to those who are owed an apology but to those giving the apology as well. It is the acknowledgment that a terrible wrong was committed—never to be committed again—and a willingness to now, through the process of reconciliation, work toward a brighter future for all people unburdened by the difficulties of the past but uplifted by the promises of the future—a future where our destinies are inextricably linked together.

Although this anthem is correctly titled ''The Negro National Anthem,'' the final stanza of its words so eloquently written by James Weldon Johnson not only rings true for the African-American community but for all America.

God of our weary years, God of our silent tears, thou who hast brought us thus far on the way; thou who hast by thy might, led us into the light, keep us forever in the path, we pray. Lest our feet stray from the places, our God where we meet thee, lest our hearts, drunk with the wine of the world, we forget thee; shadowed beneath thy hand may we forever stand, true to our God, true to our native land.

May we, with this apology, move forward into the light of unity, united under a common purpose, linked together in a singular humanity. I am delighted that we are doing this today.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, first, at this point, I wish to thank Senators HARKIN and BROWNBACK for the initiative they have taken, for their leadership in bringing before the Senate this healing resolution, this formal apology for slavery and racial segregation.

The resolution before us presents us with the opportunity to address face-to-face the unconscionable and the abhorrent acts of slavery and its aftermath perpetrated against fellow human beings. The apology resolution describes some of the gravest injustices of slavery: families enslaved, then torn further apart after family members were sold separately, stripped of their names and heritage; a system of forced labor that persisted for 250 years; brutal and unspeakable acts of violence against slaves. The injustices continued well after the 13th amendment to the Constitution ended slavery in our Nation because Jim Crow laws disenfranchised former slaves and subjugated them as second-class citizens.

After presenting detailed findings regarding slavery and the system of de jure segregation known as Jim Crow, the resolution reads, in part, that the Senate:

Acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws; Apologizes to African Americans on behalf of the people of the United States for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws; and, Expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices and discrimination from our society.

In 2005, the Senate passed a resolution formally apologizing for another tragic legacy of historic racial inequalities in our Nation: lynching. From 1880 to as recently as the 1960s, an estimated 5,000 Americans, predominantly African Americans, were killed by public hangings, burnings, and mutilation. Members of the Armed Forces were lynched in the country they had defended. Following both World War I and World War II, returning soldiers

were lynched, many while still wearing their military uniforms. There would be no new respect for these brave African Americans who had fought for our country, only the old order of injustice.

The Senate passed the resolution apologizing for lynching in an attempt to acknowledge the Senate's past failure to address the prevalence of those despicable acts and to allow for some national healing. It is my hope that the slavery apology resolution before us can serve a similar purpose.

We are fortunate to live in a time that is not blighted by slavery in this country or segregation under the law. But we live with the legacy of the practice of slavery, and it is our responsibility and our duty to continue to examine that history in order to improve the present and the future.

This apology is part of carrying out that responsibility. And doing so in the presence of visitors who are descendants of slaves adds to the meaning of our action.

Madam President, I again thank the cosponsors of the resolution.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, more than 200 years ago at the height of a humid summer in Philadelphia, 56 men affixed their signatures to a document that contained these words:

> We hold these truths to be self-evident, that all men are created equal.

These words expressed a sentiment that could not be realized for all Americans until more than a century later. At that moment, when the United States of America was born and the Declaration signed, a great injustice was woven into the fabric of our Nation. Slavery and the racial segregation that followed have left a tragic legacy that divided this country in the bloodiest war we have yet known. It is a legacy that still affects each and every one of us this day.

My colleagues, Senators HARKIN and BROWNBACK, have introduced a resolution apologizing for slavery, Jim Crow laws, and policies of segregation and hate. This is often an uncomfortable subject so I applaud my colleagues for their willingness to confront the difficult history we all share. I thank them for their leadership on the issue and rise in support of the resolution which just passed.

Several State governments have issued similar apologies. But the fact that the plight of slavery was a national concern demands a national response.

Some in the Black community will dismiss this resolution. Some will say that words don't matter, that the actions of our forefathers cannot be undone. It is true that those who toiled in the fields, those who were deprived of their freedom, will gain no peace from this resolution. Their story is inescapably in our history. It is a story we must confront and try to overcome on a daily basis. But words do matter; they matter a great deal—the words in the Declaration of Independence acknowledging the equality of all men, even if the flawed policies of the time failed to embrace it; the words of a President who held the Union together and promised ''a new birth of freedom,'' even if his words required the forces of an army to achieve liberty for all; the words of a Supreme Court opinion which declared ''separate but equal'' was not justice, even if the Nation was not quite ready to listen; the words of a King who dared to dream of a promised land, even if he knew he might not live long enough to see it; the words of a troubled nation searching for hope in time of fear, which seized upon the rallying cry of a young Black man from Illinois whose words inspired a people to cry ''yes, we can'' with one voice—all of these words reinforced the fundamental truth we have uttered to ourselves and our children since the birth of this Nation: In America, anything is possible.

As I look around this Senate floor today, I think of my parents who never saw this Chamber. I think of my grandparents who never saw this city. I think of my ancestors who could dream only of their freedom. I think of my great-great-grandfather who was given that freedom. Freed from bondage as a slave in 1865, near Columbus, GA, without a name of his own, he adopted the Army rank as his first name, Major, and he adopted the name of his county, Green, as his last name. He named himself Major Green. In a span of those few generations, I stand here in the Senate Chamber as the great-great-grandson of Major Green on that uniquely American arc of history that has taken my family from slavery to the Senate.

As a nation, we have come a long way. But we cannot turn our backs on the shame of slavery, just as we cannot turn our backs on the rest of the Constitution that at one time embraced it. The greatness of this Nation comes from our ability to chart a new course, to shape and reshape the destiny that we share, choosing to reject injustice and cruelty, choosing to overcome the tragic legacy of past mistakes and look ahead to a bright future. This resolution cannot erase the terrible legacy, but it can help to heal the wounds of centuries gone by. It can pave the way for future progress.

This journey, however, is far from over. We have not yet reached the equality promised in our founding documents—equality that transcends race, gender, sexual orientation, and religion, equality upon which our ever perfecting Union is founded. This story is still being written. As we confront the enduring legacy of slavery and Jim Crow, this resolution is an important part of moving forward.

I would like the RECORD to show that this resolution has a different ending from a resolution passed by the 110th Congress. This resolution carries a disclaimer. I want to go on record making sure that that disclaimer in no way would eliminate future actions that may be brought before this body that may deal with reparations.

I thank Senator HARKIN and Senator BROWNBACK for their leadership on this issue. I urge my colleagues to join us as we seek to write the next chapter in our history, to move forward, not only saying we apologize for slavery but moving forward to make sure all remnants of discrimination of any kind are removed from this great Nation of ours.

Mr. DURBIN. Madam President, 4 years ago the Senate took an important step in recognizing and apologizing for Congress's historic failure to pass an antilynching law. Today, we are considering a resolution to apologize for America's original sin—the sin of slavery.

By apologizing for the enslavement and racial segregation of African Americans, we take another important step toward racial healing and reconciliation. This measure follows similar apologies issued by the States of Alabama, Florida, Maryland, North Carolina, and Virginia, which have all recognized their role in sanctioning the evils of slavery and Jim Crow. While we cannot correct the brutality and dehumanization caused by these evils, we can acknowledge the vestiges of harm caused by that dark chapter in our history. We can accept responsibility.

I am proud that when my home State of Illinois entered the Union in 1818, the Illinois State Constitution contained the following provision: ''Neither slavery nor involuntary servitude shall hereafter be introduced into this state otherwise than for the punishment of crimes.''

Soon after the granting of statehood, proponents of slavery in Illinois moved for a constitutional convention to amend the Illinois Constitution to allow slavery. The citizens of Illinois went to the polls in 1824 and voted against the convention by a margin of 57 percent to 43 percent and chose to keep Illinois a free State.

A few years later, in 1856, a little known former Congressman from Springfield, IL, named Abraham Lincoln delivered a speech in Bloomington, IL, and said: ''Those who deny freedom to others deserve it not themselves, and under the rule of a just God cannot long retain it.''

But it took a Civil War, and the death of over 600,000 Americans, before slavery was finally abolished in this Nation.

Another American hero who put his life on the line for civil rights is JOHN LEWIS, who was nearly beaten to death while marching for the right to vote in Selma, AL, during the 1960s. Today he is a member of Congress. Last year, after the U.S. House of Representatives passed a resolution apologizing for slavery, JOHN LEWIS said the following:

> The systematic dehumanization of African Americans for hundreds of years was a horrible crime, and the legacy of these atrocities still lingers with us today. For centuries, African Americans were denied

wages, decent housing, food, clothing, and all the basic necessities of life. They were disenfranchised in the Constitution, barred from voting, from gaining an education, and any protection or right a citizen should expect in a civilized society. Our culture was destroyed, our lives were always in jeopardy, and our very humanity was in question. Any nation which perpetrates these kinds of atrocities on any of its citizens should at least apologize for its actions. And an apology is a very important step toward laying down the legacy of this tragedy once and for all.

I commend Senator HARKIN and Senator BROWNBACK for introducing this important resolution in the Senate, and I urge its immediate passage.

Mr. CARDIN. Madam President, I rise today in strong support for S. Con. Res. 26, apologizing for the enslavement and racial segregation of African Americans. I thank Senators HARKIN and BROWNBACK for introducing this resolution and note that the Senate's approval of this resolution will occur on the eve of Juneteenth. Also known as Freedom or Emancipation Day, Juneteenth commemorates the announcement of the abolition of slavery in Texas and marks the day when Union troops started to enforce the Emancipation Proclamation throughout the United States.

In 2007, Maryland became the second State after Virginia to adopt a resolution officially expressing profound regret for its role in instituting and maintaining slavery and for the insidious discrimination that followed, which became slavery's legacy. I am proud that my home State's elected officials publicly acknowledged and showed remorse for its part in that sad and enduring chapter in our Nation's history. And now we have an opportunity to do the same as an entire country.

From 1700 to 1770, thousands of West Africans who survived the middle passage slave trade route ended up in the Chesapeake Bay region. Annapolis, our capital, was the main port of entry for slaves in the mid-Atlantic region. Millions of Africans were forcibly uprooted from their families in their native lands and shipped across the Atlantic in chains. Most died. Only one in four African-born slaves survived his or her first year in the Chesapeake area. By 1790, more than 100,000 slaves, a third of the State's total population, lived in Maryland.

True patriots with Maryland roots fought to end the institution of slavery, and they merit our gratitude and honor. Frederick Douglass, born into slavery in 1818 on Maryland's Eastern Shore, escaped in 1836 and became a free man in Massachusetts. Upon gaining his freedom he made it his life's work to advocate for the abolition of slavery and for racial equality. Harriet Ross Tubman spent nearly 30 years as slave in Maryland's Dorchester County, also on the Eastern Shore. She escaped in 1849, and returned many times over the next decade to Dorchester and Caroline counties to lead hundreds of slaves north to freedom. Known as ''Moses'' by abolitionists, she reportedly never lost a ''passenger'' on the Underground Railroad.

The abolitionists eventually succeeded, but only after a monumental struggle that culminated in the Civil War and the executive orders President Abraham Lincoln issued which comprised the Emancipation Proclamation. In 1864, with the adoption of a new State Constitution, slavery officially ended in Maryland. A year later, in 1865, the 13th Amendment to the United States Constitution was ratified, officially abolishing slavery throughout the United States. Yet following Reconstruction, the period in which newly freed men and women made significant social, economic and political gains, a new era of ''Jim Crow,'' the pernicious system of de jure racial segregation, dawned.

Maryland was among the border and southern States that perpetuated segregation, passing 15 Jim Crow laws between 1870 and 1957. It was during these years that numerous organizations were founded to be catalysts for change. One such organization, the National Association for the Advancement of Colored People—NAACP—was founded on February 12, 1909, in response to the horrific practice of lynching. I am a lifetime member of the NAACP and am proud that its tradition continues to this day, and that my city of Baltimore is home to its national headquarters.

Maryland might be considered a microcosm of the Nation as a whole. While Maryland instituted and perpetuated the institutions of slavery and ''Jim Crow,'' there arose some truly inspiring heroes who courageously fought against the system and succeeded. Baltimore's own Thurgood Marshall, for instance, developed into one of the most influential and inspiring legal minds of the 20th Century. He was a true leader of the civil rights revolution in the 1950s and 1960s, working through the courts to eradicate the legacy of slavery and destroy the racist segregation system of Jim Crow. And he succeeded. He won multiple Supreme Court rulings, including the landmark Brown v. the Board of Education of Topeka case, effectively ending legal segregation in schooling, housing, public transportation, and voting. He went on to become the Nation's first African-American Supreme Court Justice.

We have made substantial progress but it has been shamefully slow. As Dr. Martin Luther King, Jr., remarked, ''Change does not roll in on the wheels of inevitability, but comes through continuous struggle.'' At long last, we have elected an African-American President. We still have more to do. The harmful legacies of slavery and ''Jim Crow'' persist in America today, with glaring racial disparities in our criminal justice system, health care, home-ownership rates, and wealth. We need to do more as a Nation to confront and eliminate these gaps. And although we have truly come a long way since those days, America must acknowledge the atrocities of our past, so that we can fulfill the ideals on which our nation was founded. This resolution is that acknowledgement.

Mr. KOHL. Madam President, Harriet Ann Jacobs, a writer, abolitionist, and former slave wrote, ''No pen can give an adequate description of the all-pervading corruption produced by slavery.'' Just as no pen can describe how horrible the effects of slavery are, no words will be able to express adequately our apology. But it is long past time we tried the impossible task of apologizing for this terrible period in our history.

Slavery was a deeply shameful period in our history, and the effects on our country and our people can still be seen today. African Americans still suffer from the years of slavery and institutional racism of the Jim Crow years. This resolution will not erase the damage of those years, but it is a necessary step if we are ever to heal the wounds that remain.

The early growth of our country—including the building of this very Capitol Building—would have been impossible without the labor and skills of African-American slaves. Our success as a nation was built on their backs, and at an awful price. Today, finally, with the passage of S. Con. Res. 26, we recognize their sacrifice and apologize for what they suffered.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Madam President, I know other speakers are coming down to speak on this resolution. Before the time runs out and since no one is here right now to speak, I wish to acknowledge several people who have been very instrumental in getting us to this point.

First, I thank the Leadership Conference on Civil Rights for all they have done to not only bring us to this point—to this apology—but for all they have done to enhance and promote civil rights for Americans. I also recognize the longtime president, Wade Henderson, who has devoted his entire life to the cause of racial injustice and ensuring this Nation lives up to its founding ideals.

Second, I acknowledge and thank the NAACP. February marked the end of the NAACP's 100th birthday, founded on the 100th birthday of Abraham Lincoln by a multiracial group of men and women committed to equality. For 100 years, the NAACP has fought for justice for all Americans, and I thank

their president, Benjamin Todd Jealous, and through him all the members of the NAACP.

Third, I wish to acknowledge several staff members whose assistance made this resolution possible. Senator BROWNBACK already recognized LaRochelle Young, but I also thank her for helping to shepherd this through and working to get us to this point. Jackie Parker, a senior adviser to Senator LEVIN and cofounder of the Senate Black Legislative Staff Caucus, has been instrumental in planning the upcoming ceremony with civil rights leaders and other luminaries to recognize the apology and injustices of slavery and Jim Crow.

Finally, I would like to recognize the tireless work that my counsel, Daniel Goldberg, has dedicated to seeing this historic resolution become a reality. The countless hours he has committed to make this occasion happen are almost uncountable. I thank him publicly for making this possible.

Last, I would like to add Senators LEAHY, DODD, MURRAY, and KERRY as cosponsors of the resolution.

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

The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I, too, wish to acknowledge some individuals who have really helped to make this historic day take place. One for me is Congressman JOHN LEWIS, with whom I have been working for some period of time to get the Museum of African American History and Culture to be a reality on The Mall. The design has now been picked and the location has been picked. It is going to be at the base area of the Washington Monument. It is going to be a fabulous entity. What I like about it is it is going to show the difficulty, the tragedy, and is also going to show the promise in the future. It moves through the whole piece of it, and this resolution will be a part of it, of how a nation deals with such an enormous problem as this.

JOHN has been a very courageous, longstanding advocate in the mode of what John Quincy Adams was for years in fighting against slavery. He has been dedicated to this. I remember first going over to his office and him showing me a book of pictures that were of lynchings that had taken place, such a tragic set of pictures that you look at that happened in the early part of the 1900s in my State and many other States around the country. I am very appreciative of him.

There are people who recently passed away, like Rosa Parks, who gave us these defining moments of the ending of segregation or in my State, like Cheryl Brown Henderson of the Brown family, Brown v. Board of Education, the landmark desegregation case where we said even if a school is equal, segregation is inherently wrong, and they stood for it, and stood tall, to bring us to a better point in time.

It has not been all that long ago. I started out in a professional period in broadcasting. One of the guys next to me was a sports broadcaster, and he would tell the story about—and this is even in the Big 8, where Senator HARKIN and I shared some territory—he talked about African Americans coming on the basketball court, being cheered wildly by everybody at the school but then not able to eat at the lunch counter in the community. While everybody is cheering for them on the basketball court, they cannot eat at the lunch counter. The sportscaster was talking to me about that.

My old friend Jack Kemp, who recently passed away, was a strong advocate for African Americans and for doing things like this—what he saw in the sports field, for years, people in the Negro Baseball League Hall of Fame in Kansas City. We have a wonderful museum showing what it took to break through the racial barriers in sports and how positive that was but also how difficult that was during that period of time.

All of these I am mentioning simply because it is part of how difficult it is to get to the point we get to today as a society. These things do take time, they are difficult, and there is a lot of pain and suffering that goes along the way.

What Senator HARKIN and I and all the cosponsors hope—it will be unanimously approved on this Senate floor—is that for all those individuals who have had these personal experiences themselves and felt it themselves, they will be able to see in this some acknowledgment of what happened to them, an acknowledgment that it was wrong and an apology for it. It doesn't fix it, but hopefully it does address it and starts to dig out the wound. There is a great book on this, ''Healing America's Wounds.'' The last name of the author is Dawson. He pointed out that these are very significant for society to be able to pull together around and that they have to be done for a society to be able to move forward. There is just no way around it, you have to actually address the problem and the topic.

For those reasons and for the many millions of people who have suffered the legacies of slavery and segregation or suffered personally themselves under segregation in this country, we apologize as a United States Senate.

I read the final words because they express it so well, that there is a sense of Congress of the following:

Apology for the enslavement and segregation of African-Americans—The Congress—

acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws;

apologizes to African-Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws; and . . .

Nothing in this resolution:

authorizes or supports any claim against the United States; or

serves as a settlement of any claim against the United States

expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty, and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices, and discrimination from our society.

It specifically does the apology but deals with nothing else. It says, ''Nothing in this resolution authorizes or supports any claim against the United States; or serves as a settlement of any claim against the United States,'' to leave that issue aside.

I am very appreciative that a number of States have led the way moving forward with the apology. Virginia, Alabama, Florida, Maryland, North Carolina led in adopting resolutions officially expressing that remorse for slavery and for Jim Crow laws.

I look forward to this unanimous consent. I am glad we are doing it now. We will have a recognition of this in a Rotunda ceremony. I think that will be important. I hope many Members will join us at that, and I think it will be a historic point in time.

Madam President, I believe we are ready to call for the passage of the resolution? I yield to the Senator from Iowa.

Mr. HARKIN. If the Senator will just yield, I thank my friend for his wonderful statement this morning and, again, for the many months and years we have worked together on this to get here, I thank him very much.

In closing, Madam President, again I say a fitting ceremony is being planned for sometime early in July that will take place in the main Rotunda of the Capitol to mark this occasion. As I understand, we don't have a firm date yet, but that date will be coming about shortly in consultation with the Speaker and the minority leader in the House and the majority leader and minority leader here in the Senate. We are looking forward to that occasion, and I think it is one that will be poignant and one that will again bring home to all of us and to the American people the enormity of what we have done in terms of finally acknowledging the official role of the U.S. Government in promoting and sanctioning slavery and Jim Crow laws.

I say to my friend from Kansas, we look forward to that ceremony, and I am sure the American people are looking forward to it also.

I might ask, how much time remains?

The ACTING PRESIDENT pro tempore. On the majority side, almost 8 minutes, and on the Republican side, just over 9 minutes.

Mr. HARKIN. Madam President, I ask unanimous consent that Senators MENENDEZ, FEINGOLD, and BENNET be added as cosponsors.

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

Mr. HARKIN. Madam President, on behalf of the majority leader, I yield the remainder of our time.

Mr. BROWNBACK. On behalf of the Republicans, I yield the remainder of our time.

The ACTING PRESIDENT pro tempore. The question is on the adoption of the resolution.

The concurrent resolution (S. Cons. Res. 26) was agreed to.

The preamble was agreed to.

MORNING BUSINESS

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

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

The Senator from Texas is recognized.

NOMINATION OF JUDGE SOTOMAYOR

Mr. CORNYN. Madam President, I would like to turn to another important topic; that is, the pending confirmation of Judge Sotomayor to be Associate Justice of the U.S. Supreme Court. Like many Senators, I have had the opportunity to visit with Judge Sotomayor in my office and, of course, congratulated her on this great honor. I further pledged to her that she would receive a fair and dignified confirmation proceeding. Unfortunately, that has not always been the case in the Senate, but I did tell her that as far as I was concerned, I would do everything I could to make sure she was treated with respect.

Over the last few weeks, my colleagues on the Judiciary Committee and I have begun a thorough review of her record. Judge Sotomayor comes with one of the longest tenures of any judge nominated to the U.S. Supreme Court on the Federal bench—for about 17 years, so there is a rather lengthy record to review. In addition, she has given, as you might expect, many speeches and written law review articles and made other statements that deserve our attention. She has responded to the questionnaire sent by the Senate Judiciary Committee, and there are other followup questions which I anticipate she will be answering in the coming weeks.

So our review is ongoing in anticipation of a confirmation hearing beginning July 13 in the Senate Judiciary Committee.

But so far it is fair to say that there are a number of issues that have come up which I would like to talk about briefly that I anticipate she will have an opportunity to clarify or otherwise respond to and make her position clear for the American people and for the Senate as we perform our constitutional obligation under article II, section 2 of the Constitution.

Most of the focus, during a judicial confirmation hearing, is on the President's authority under the Constitution to nominate individuals to serve as judges. But, in fact, the very same provision of the Constitution, the very same section of the Constitution, section 2 of article II, also imposes an obligation on the Senate. In other words, we have a constitutional duty ourselves in the Senate to provide advice and consent and then to vote on the nomination once voted out of the committee.

The concerns I wish to raise at this point do not suggest that these are disqualifying, by any means, for Judge Sotomayor. I believe that, as I have indicated, she deserves the opportunity to explain her approach to these issues and particularly her judicial philosophy more clearly and to put the opinions and statements we have come across during our review in proper context.

I believe it is not appropriate for any of us to prejudge or to preconfirm Judge Sotomayor. Our job as Senators is to ask how she would approach the duties of an Associate Justice of the United States Supreme Court. And the areas, as I said, I would like to focus on are numbered three.

The first issue has to do with her approach to the second amendment. Of course, the second amendment to the U.S. Constitution, part of our Bill of Rights, incorporates the right to keep and bear arms.

The second amendment says:

> A well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed.

The American people understand that the second amendment limits government and protects individual liberty. As Justice Joseph Story wrote nearly 200 years ago, the second amendment acts as a ''strong moral check against the usurpation and arbitrary power of rulers.''

As the U.S. Supreme Court itself held last year in the District of Columbia v. Heller: ''There seems to us no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms.''

I agree strongly with the Supreme Court's reasoning in the Heller decision, and I think most Americans accept that as the law of the land. Judge Sotomayor, on the other hand, as a member of the Second Circuit Court of Appeals, was one of the judges that first was given an opportunity to apply that Supreme Court precedent in Heller to the States.

She concluded in that decision that the right to keep and bear arms was not a fundamental right, and, therefore, was not enforceable against the States via the due process clause of the Fourteenth Amendment. Her decision in that case was troubling in light of the Heller decision, especially because her opinion included very little significant legal analysis.

I would expect and hope Judge Sotomayor would elaborate on her thinking about this case, as well as the scope of the second amendment, during the course of the confirmation hearings. Americans need to know whether we can count on Judge Sotomayor to uphold all of the Bill of Rights, including the second amendment.

The next subject that I think will bear some discussion during the confirmation hearings is Judge Sotomayor's views of private property rights, another fundamental right protected by our Bill of Rights, that is simply stated in the fifth amendment of the U.S. Constitution, the right not to have property taken for public use without just compensation.

The fifth amendment provides an absolute guarantee of liberty against the power of eminent domain, by permitting government to seize private property only for public use.

Our colleagues will recall the controversial decision of the U.S. Supreme Court in 2005 in Kelo v. City of New London, a decision where the Supreme Court greatly broadened the definition of public use and, thereby doing, greatly limited the property rights protected by the Bill of Rights for more than two centuries.

The Court held that government can take property from one person and give it to another person if the government decided that by so doing it would promote economic development. The Kelo decision represents a vast expansion of government power of eminent domain. And that is why I introduced legislation that same year to limit that power and to restore the basic protections of our homes, small businesses, and other private property rights that the Founders intended in the fifth amendment to the Constitution.

I believe the Kelo decision went too far. Yet by her decision in the case of Didden v. Village of Port Chester, it appears Judge Sotomayor did not feel like it went far enough. Judge Sotomayor was part of a panel that upheld an even more egregious overreach by government when it came to private property rights.

In that case, two private property owners wanted to build a pharmacy on their land but in an area the government had essentially handed over to another private developer. The developer offered the owners a choice: Give me a piece of the action or we will proceed to condemn your property. The property owners, as you would think would be their right, refused. Yet the government, the local government, delivered on the developer's threat the very next day.

I believe this decision represents an outrageous abuse of the power of eminent domain for a nonpublic purpose and a tremendous extension of an already flawed decision in the Kelo case by the U.S. Supreme Court. So I think it is only fair and right that we ask Judge Sotomayor how she can square that decision in the Didden case with the plain meaning of the fifth amendment to the Constitution and, indeed, even the Kelo case itself.

The third area we need to understand Judge Sotomayor's approach to deciding cases involving employment discrimination. We need to understand how Judge Sotomayor interprets and applies the Equal Protection Clause of the fourteenth amendment, which reads in part:

No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.

For most Americans, the ''equal protection of the laws'' means just what it says. It means that government cannot treat you differently based on your race or your sex or your ethnicity. It simply means that government cannot legally practice discrimination, including reverse discrimination.

But in a case recently argued to the U.S. Supreme Court called Ricci v. DiStefano, Judge Sotomayor participated in a Court of Appeal's decision which raises legitimate questions about her commitment to the provisions of equal protection of the laws in the Constitution. At least I think it raises questions that we need to ask her to respond to and to hopefully clarify her views on whether government can lawfully discriminate based on skin color.

The facts of that case—the case involves firefighters in New Haven, CT. The fire department established a testing program to ensure a fair process in deciding who would be promoted to captain and lieutenant. The testing was rigorous, and it was not racially biased. It was racially neutral to give everyone a fair chance to succeed in taking the test.

But the government, as it turned out, did not get the results it wanted. The mayor and five commissioners of New Haven felt that not enough African Americans had passed the test, so they threw out the test and refused to promote anyone.

This was unfair to the firefighters who had qualified for promotion. Many of the firefighters were of Italian or Hispanic descent and felt they themselves had fallen victim to racial discrimination by the city government.

In fact, one of the fire commissioners was quoted as saying the department should stop hiring people with too many vowels in their name.

So the firefighters sued in Federal court. The case came before a three-judge panel, including Judge Sotomayor. Judge Sotomayor voted to dismiss the case even before these firefighters had a chance to go to trial. The panel of three judges that she participated in issued a one-page opinion that was unpublished and did not even address these claims for the merits of the case or the constitutional issues brought by these petitioners.

Madam President, I ask unanimous consent to speak for an additional 3 minutes.

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

Mr. CORNYN. The firefighters were disappointed in Judge Sotomayor's decision, and, indeed, some of her colleagues on the bench were shocked by the refusal to even acknowledge, much less address, the claims by these firefighters.

One colleague, Judge Jose Cabranes, appointed by President Clinton, worked to get the case reconsidered by the entire Second Circuit. He wrote that the case might involve ''an unconstitutional racial quota or setaside.'' He said, ''At its core, this case presents a straightforward question: May a municipal employer disregard the results of a qualifying examination which was carefully constructed to ensure race-neutrality, on the ground that the results of the examination yielded too many qualified applicants of one race and not enough of another?''

Judge Sotomayor apparently was not persuaded to answer that question. But thankfully the U.S. Supreme Court will. In a matter of days, we will know the U.S. Supreme Court's decision, which will help the American people understand whether Judge Sotomayor's philosophy is within the judicial mainframe or well outside it.

There are other statements that the judge has made in the course of her long career, including one at Berkeley in 2001, which has received quite a bit of press coverage where she said:

I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

President Obama has said she misspoke. But it is clear that is not the case. Congressional Quarterly reported that she used this language, or something very similar to it, in multiple speeches in 1994 to 2003.

It would be one thing if Judge Sotomayor was simply celebrating her own journey as a successful Latino woman in our country. Every American would understand that, every American would embrace that, because her story is an American success story. And all of us can justly take pride that someone of a humble origin who worked hard and sacrificed has achieved so much in this country.

In particular, the Hispanic community is justly proud of her achievements. She is, indeed, a role model for young people and is a symbol of success.

All Americans can be proud that Hispanics are assuming more and more positions of authority in our society. Indeed, the Bush administration nominated more Hispanic Federal judges than any previous administration. Unfortunately, they have not always received the sort of fair and dignified consideration that Judge Sotomayor will.

Miguel Estrada, who was nominated for the Second Circuit, was not treated respectfully during his confirmation proceedings. He was filibustered seven times, and denied an up-or-down vote on his confirmation.

So I wish to make clear that there is no problem if Judge Sotomayor was simply showing pride in her heritage as we all should as a nation of immigrants. But if it suggests a judicial philosophy that says that because of sex or race or ethnicity, a judge is better qualified and more likely to reach correct legal decisions, I simply do not understand that contention, and I would like the opportunity to ask her about it.

One of her fellow judges contrasted their views by saying:

. . . judges must transcend their personal sympathies and prejudices and aspire to achieve a greater degree of fairness and integrity based on the reason of law.

I think that is exactly right. So we need to know whether Judge Sotomayor embraces this notion of colorblind justice that most Americans expect from the highest Court in the land. I hope she will be given an opportunity—indeed she will be given an opportunity—to clarify her comments and let us know whether she intends to be a Supreme Court Justice for all of us or just for some of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

ORDER OF PROCEDURE

Mrs. SHAHEEN. I ask unanimous consent to speak as in morning business.

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

Mrs. BOXER. Madam President, if the Senator will yield for a unanimous consent request, I am here to speak on the same subject as she. I wonder if she could expand her request to say that upon finishing, I could have about 5 minutes.

Mrs. SHAHEEN. I am delighted to do so for my colleague from California.

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

Mrs. BOXER. I thank the Senator.

Mr. CARPER. Would the Senator restate her request.

The PRESIDING OFFICER. The Senator from California has requested 5 minutes.

Mr. CARPER. I have been waiting for a while.

Mrs. BOXER. Madam President, I apologize to my colleague. We are here to quickly speak about a very important issue, the murder of a doctor. I didn't want it to be interrupted. I ask unanimous consent that following my remarks, the Senator from Delaware be recognized.

Mr. GREGG. Reserving the right to object, as I understand it, we are supposed to be moving to the supplemental. There is a unanimous consent agreement which has been reached. Hopefully, that will be placed in order.

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. GREGG. I object to any more unanimous consents.

Mrs. BOXER. They already passed.

Mr. GREGG. I am objecting to the one the Senator from California just propounded.

Mrs. BOXER. For Senator CARPER? Is there any way we can assuage the Senator? Does he want to take the floor before Senator CARPER?

Mrs. SHAHEEN. Madam President, I believe I still have the floor.

The PRESIDING OFFICER. The Senator has the floor.

CONDEMNING THE USE OF VIOLENCE

Mrs. SHAHEEN. Madam President, yesterday, along with Senators BOXER, KLOBUCHAR, and 43 other Senators, I submitted S. Res. 187, a resolution condemning the use of violence against providers of reproductive health care services to women and expressing sympathy for the family, friends, and patients of Dr. George Tiller.

Unfortunately, the murder of Dr. Tiller was not an isolated incident. Our country has a history of violence against reproductive health care providers. Since 1993, eight clinic workers have been murdered, and there have been hundreds of additional attempted murders, bombings, death threats, and kidnappings. Since 1977, there have been more than 5,800 reported acts of violence against providers and clinics.

My own State has been touched by such acts of violence. In December 1994, a man from New Hampshire killed two workers at clinics in Massachusetts, including a nurse from Salem, NH. Almost 9 years ago, the Feminist Health Center in Concord, NH was burned in an arson attack. These acts of violence are not acceptable. Not only do they violate our laws and lead to human tragedy, but they dissuade medical professionals from entering a field of medicine that is critically important to women across the country.

I realize that the issue of reproductive choice is divisive. I know there are many heartfelt feelings on both sides of this issue and on both sides of the aisle, even within my own caucus. However, I was hopeful that regardless of our differences of opinion on this sensitive issue, the Senate could come together and quickly pass a resolution that rejects the use of violence against reproductive health care providers. Sadly, this is not the case.

My cosponsors and I have tried to pass this resolution by unanimous consent. Unfortunately, some on the other side of the aisle have objected. How disappointing it is that in this country and in this body, we can't come together to unanimously condemn the use of violence. My cosponsors and I were urged to eliminate references to women's reproductive health care to get this resolution passed through the Senate. We are not going to back down. This country should be able to come together to condemn violence against reproductive health care providers. It is a very sad day when the elected leaders of the greatest democracy on Earth cannot agree to protect those exercising their constitutional rights.

I am pleased to be joined by 45 of my colleagues on this important resolution. We are saddened that we are not able to pass it without objection.

I wish to now read this simple resolution, a resolution condemning the use of violence against providers of health care services to women.

Whereas Dr. George Tiller of Wichita, Kansas was shot to death at church on Sunday, May 31;

Whereas there is a history of violence against providers of reproductive health care, as health care employees have suffered threats, hostility, and attacks in order to provide crucial services to patients;

Whereas the threat or use of force or physical obstruction has been used to injure, intimidate, or interfere with individuals seeking to obtain or provide health care services; and

Whereas acts of violence are never an acceptable means of expression and always shall be condemned. Now, therefore, be it Resolved, That the Senate expresses great sympathy for the family, friends, and patients of Dr. George Tiller; recognizes that acts of violence should never be used to prevent women from receiving reproductive health care; and condemns the use of violence as a means of resolving differences of opinion.

I find it hard to believe that this language condemning the murder of a health care provider and expressing sympathy to a family in mourning could be objectionable.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much.

Madam President, I want to say to my friend, Senator SHAHEEN, that her words were eloquent here today and that her voice adds so much texture to the Senate. In a very plainspoken way, as is her way, Senator SHAHEEN has told us that regardless of where we stand on this issue, this contentious issue of a woman's right to choose, we should be able to come together when there is violence of any sort from any quarter, right, left, or center. There is no place for violence in any of our debates. That is what makes this such a great country. We debate here. We have had difficult debates here on the issue of a woman's right to choose. Yes, we have. But we decide those issues in this Chamber, in the House, at the White House, and across the street at the Supreme Court. And the Supreme Court has ruled very clearly, in 1973, in Roe v. Wade, that it is legal—legal—for a woman in the early stages of her pregnancy to make this tough choice and get the health care she needs. And, yes, later in the pregnancy, if her health is threatened, if her life is threatened, yes, a doctor can help her in that type of a circumstance.

Here we have many cases where violence is being used, where Web sites are being put up with pictures of doctors and nurses, trying to incite trouble, trying to incite violence, and that is not what the law allows.

With the case of Dr. Tiller, he was a doctor. After this tragedy where he was shot and killed in church—and before that, he had his arm shot, but he continued his work—many, many women came forward to attest to how kind he was to them in their great need.

Dr. Tiller operated within the law. There were those who tried to run him out of town with lawsuits, and he won all of those.

So when a procedure is legal and a doctor is following the rules, to have a murder of a doctor in that circumstance is a tragedy to his family, to his friends, to his patients, and, yes, frankly, to America because it diminishes us as a society.

I want to tell it like it is around here. Every Democrat cleared this resolution and said, yes, we ought to have a chance to bring it to the floor and be voted upon. That is all my colleague wants. She wrote a simple resolution. She read it to you. She wants a vote. Every Democrat said, yes, let's bring it to the floor. If you do not like it, you do not have to vote for it. If you want to change it, make an amendment to change it.

But the Republicans will not clear this resolution. Now, I have to say to the people who may be listening to this debate, hear what I am saying. The Republicans will not allow a vote, will not clear a resolution that simply says, in the resolve clause—and I quote from it—we express ''great sympathy for the family, friends and patients of Dr. George Tiller.'' We recognize ''that acts of violence should never be used to prevent women from receiving reproductive health care,'' and we condemn ''the use of violence as a means of resolving differences of opinion.''

I think my colleague, in her eloquence here, has said it all. I urge those people who are anonymously holding up this resolution, come to the floor, have the courage and the guts to look out at this Chamber and explain why you do not believe we should condemn acts of violence to prevent women from receiving their health care, and come to the floor and explain why you are not ready to condemn the use of violence as a means of resolving differences.

This is the greatest democracy in the world. We will not be the greatest democracy in the world if we decide we are going to take the law into our own hands and kill people with whom we disagree.

So I beg my colleagues on the other side of the aisle to rethink their position because, I can tell you, anyone who does not know Senator SHAHEEN—she was the Governor of a State, she is a great Senator already—she is not going to give up on this. We are going to be here day after day. We are going to ask that this be brought before the body. And we are going to make those who are stopping us from voting on this come to the floor and explain why they cannot join with us.

We know abortion is a contentious issue. We appreciate that. We respect our colleagues' views. Frankly, I totally respect their views on the issue. But I do not respect someone who is anonymously holding up a resolution that condemns violence.

So I am going to work with my colleague. I am very proud of her work on

this. I am proud of Senator KLOBUCHAR's work on this. And I want to thank every Democrat in this Senate who said, yes, this resolution is worthy of debate and worthy of a vote.

Madam President, I thank you very much and yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, thank you very much.

75TH ANNIVERSARY OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Mr. CARPER. Madam President, I take the floor for a few minutes to draw the attention of my colleagues to the fact that there is a birthday this year, a 75th birthday—not the birthday of a Member of the Senate, not a birthday of a Member of the House, but actually it is the 75th birthday of the National Archives and Records Administration. It is 75 years old this year.

My colleague who is presiding today may recall the reception that was held at the National Archives during our orientation for new Senators and their spouses back in November. As it turns out, it was a small group of people who were able to witness and to visually see and read some of the most famous short documents in our Nation's history.

But as it turns out, millions of Americans come every year and visitors from all over the world come each year to visit the National Archives. The National Archives serves as the custodian of some of our county's most precious and historic records and documents, and they have been doing this for something like three-quarters of a century.

I wish to take a moment on behalf of all of my colleagues, Democratic and Republican, and an Independent or two, to thank the men and women who work at the National Archives now—and who have done that for the last three-quarters of a century—who work diligently to preserve our Nation's history, not just for us but for future generations of Americans and others who will come to our shores to visit here.

Established by Congress to be our Nation's record keeper, the National Archives has the critical mission of storing and protecting our most valuable and our most important documents. In fact, the main Archives facility, which is located not far from where we are gathered here today, is the permanent home of—get this—the Declaration of Independence, our Constitution, and the Bill of Rights.

Thomas Jefferson once said that an educated citizenry will ensure a free society. He was right then. That is right now. Unhindered access to information about our government and leaders is truly critical to the continued health and vibrancy of our democracy.

That is why I am pleased to hear that more than 1 million visitors travel to the National Archives each year to see thousands of documents—the ones I mentioned and others as well—records, and special exhibits. It is no stretch to say the National Archives is one of the most popular agencies in the U.S. Government. That probably comes as a surprise to a lot of us.

But the Archives is not just a tourist attraction. Over the years, the Archives has become an international leader in developing an electrical records archiving system that will preserve digital information in any format—not just for a few years but forever.

Information technology has forever altered our ability to create, access, and search information from any location in the world. Every year, billions—not millions, billions—of documents that shape and inform government decisions are never written down with pen and paper. Instead, these records are ''born digital.'' That means they are created electronically and stored not in a filing cabinet but on computers and on the Internet.

Each year, the Archives preserves more and more information that is essential to understanding our democracy, our history, and our culture. To put it into some kind of perspective, it took eight C–5 military cargo planes to transport all of the paper materials created by the Clinton administration. Imagine that: eight C–5 military cargo aircraft. Following the most recent Presidential transition, it took 20 tractor trailers, 2 Boeing 747s, and a DC–8 aircraft to transport all of President George W. Bush's records. At the same time, the National Archives continues to maintain records from 1775, including the military record of every single veteran in the 20th and 21st centuries. That is no small task.

So I stand here today to give my thanks—really, to give our thanks—to the hard-working folks who work and volunteer their time at our National Archives.

Winston Churchill once said:

A nation that forgets its past is doomed to repeat it.

I think that quote truly sums up the important role of the Archives, not just for our history but for our future.

Madam President, tomorrow I will submit, with a number of my colleagues, a resolution to commend the National Archives and its employees for excellent service over the past 75 years and to wish them many years of additional service.

HEALTH CARE

Mr. CARPER. Madam President, I know my colleague from Wisconsin is standing to speak, so I will be very brief. I just want to take a moment.

While Senator SHAHEEN and Senator BOXER were speaking, I went over and chatted a little bit with one of our colleagues from Texas who was on the floor. We talked a little bit about the debate on health care. As we approach, in a week or two, marking up a health care reform bill in the Finance Committee, he mentioned to me something I very much agree with, the 80–20 rule.

MIKE ENZI, the Senator from Wyoming, likes to talk about the 80–20 rule and why he has been so productive over the years with Senator TED KENNEDY. Senator KENNEDY, obviously, is a liberal Member of the Senate. Senator ENZI is a very conservative Member of the Senate. They get a lot done in the Health, Education, Labor, and Pensions Committee. It is because they follow what Senator ENZI calls the 80–20 rule. They focus on the 80 percent of the stuff they agree on. They set aside the 20 percent they do not agree on, and they really focus on where the most agreement is.

We need to do a similar kind of approach as we prepare to mark up in the Finance Committee the health reform bill, to go along with the areas of work going on in the HELP Committee.

I strongly agree with Senator BAUCUS and Senator GRASSLEY. We need a bipartisan bill. I know many Democrats and Republicans feel we need a bipartisan bill. My fear is, if we do not have a bipartisan bill, we will not be successful ultimately.

While most of the media coverage of the health care debate focuses on the conflict—should we have a public plan or not; tax exclusions; what portion of our benefits should be excluded from taxation; should there be an employer mandate or individual mandate or should there not be—setting all of those things aside, not that they are unimportant, there is huge agreement on a bunch of things that are important that are going to save money, save lives, reduce costs, and provide better health care for people. Part of it is in information technology; make it possible for businesses—large and small but especially small businesses—to get into a purchasing pool to be able to take advantage of much lower rates and have better choices of benefits for their folks; moving toward chronic care to make sure for people who have diabetes that we do not just wait until they get really sick and they have to have arms and legs and feet amputated, but make sure we take care of them early on as we go along.

As to these purchasing pools we are going to create under health care reform, if people have a preexisting condition, they do not get excluded. They can participate as well. We are going to be covering more people for pharmaceuticals. We are going to do a much better job of making sure people who will benefit from a particular pharmaceutical—whether it is a large molecule or a small molecule—will have access to something that is going to help them. We will be smart enough to figure out the pharmaceuticals out there that will not help somebody, so then they will not be taking those.

We are going to be focusing more on primary care, less on fee for service, which drives up the cost of health care.

We are going to do a better job of coordinating care and providing medical homes for people as we go forward.

We are going to take examples like that in the neighboring State represented by Senator FEINGOLD. Over in Minnesota, they have this Mayo Clinic, and they figured out how to make the Mayo Clinic provide better health care, with better outcomes, at lower cost than most other places in this country. They took their model and they went down to Florida, where costs were very high for health care. They took the Mayo model to Florida, and they ended up with better outcomes and lower costs in Florida compared to other folks who had been doing business in Florida providing health care for years.

But it is not just the Mayos, it is the Intermountain folks, a nonprofit out in Utah, the Geisinger operation in Pennsylvania. There are a number of good examples out there. Part of what we are going to do through this debate, as we move toward health care reform, is to learn from those examples, go to school on those examples, and be able to put them to work for all of us.

With that having been said, my friend said some people say we are not going to get health care reform done. We have to get it done. We spend more money for health care in this country than any other developed nation on Earth. We do not get better results. If we spend more money, we don't get better results. We can do better than this. Democrats working together with Republicans, we can get there, and let's just not give up.

Thank you, Madam President. I thank my colleague for his patience.

UNANIMOUS-CONSENT AGREEMENTS—H.R. 2346

Mr. INOUYE. Madam President, I ask unanimous consent that with respect to the conference report to accompany H.R. 2346, a motion to waive all applicable rule XLIV points of order be considered as having been made by the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INOUYE. Madam President, I ask unanimous consent that the vote on the motion to waive rule XLIV occur at 2:50 p.m., and that the time until then be equally divided and controlled between the majority leader and Senator GREGG or their designees.

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

Mr. GREGG. Madam President, we are now, then, on the conference report?

The PRESIDING OFFICER. Not at this point in time. Not yet. A request has to be made to go to the conference report.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009—CONFERENCE REPORT

Mr. INOUYE. Madam President, I ask unanimous consent that the Senate now resume consideration of the conference report to accompany H.R. 2346.

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

The Senate will resume consideration of the conference report to accompany H.R. 2346, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany H.R. 2346, an act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

The PRESIDING OFFICER. Under the previous order, a motion to waive all applicable points of order under rule XLIV is considered as having been made by the majority leader.

Mr. FEINGOLD. Madam President, if it is appropriate, I ask unanimous consent to speak for 10 minutes as in morning business.

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

HEALTH CARE REFORM

Mr. FEINGOLD. Madam President, every year I hold a constituent listening session, or townhall meeting, in every county in Wisconsin. After 1,188 of those sessions, I have heard a lot from my constituents on pretty much every issue you can imagine. But one issue in particular stands out, as it has consistently been one of the top issues raised throughout the past 17 years. That issue is, of course, health care.

Again and again—not just in listening sessions but in conversations and phone calls and letters and e-mails—Wisconsinites have talked to me about their struggles to obtain and afford health insurance coverage. Their stories have stayed with me and have been the foundation of my work to push for comprehensive health reform throughout my career in the Senate.

As a freshman Senator, I worked to increase access to long-term care and home and community-based services in the Wisconsin tradition during the 1994 attempt at health reform because I knew how valuable these programs were to my constituents. I continued to fight for real and fair access to affordable prescription drugs by speaking up for seniors during the debate on creating Medicare Part D. I ended up not voting for Part D because I knew it would help pharmaceutical companies before it helped seniors. For years I have tried to get the Senate to address the issue that was foremost in the minds of my constituents.

Frustrated by the inaction, I teamed up with Senator LINDSEY GRAHAM to introduce legislation that sought to break the logjam blocking health care reform legislation. While Senator GRAHAM and I have had very different ideas about how reform should look, we agreed further delay was unacceptable. I know some of my colleagues are now arguing that health care is being rushed through the Senate.

Well, that is not my experience, and I think the Wisconsinites who have been talking about the need for reform for years would agree. That is why I am so excited that the Senate is preparing to consider health reform legislation, and I look forward to reviewing the bills the HELP and Finance Committees are expected to report shortly.

As this debate goes forward, I remain committed to reforming our health care system so every single American is guaranteed good, affordable health care coverage.

Today, I wish to talk about one of the most important elements of any reform, and that is a strong public health insurance option. Frankly, I am disappointed this has become a topic of so much controversy because it is such a fundamental part of making sure we provide the reform my constituents and all Americans deserve. Some have even suggested scrapping a public option in the interests of passing a bill with bipartisan support. Well, I want to pass health care reform, and I hope very much we can do it with bipartisan support, but I am not that interested in passing health care reform in name only. I am not interested in a bill that allows us to somehow tell our constituents we have done something but doesn't address their concerns they have had for so very long. We need real reform, and real reform means a strong public option.

Americans want a health insurance option. According to a recent poll by NBC and the Wall Street Journal, over three-fourths of those polled said they would like the ability to choose between public and private health insurance plans. Providing a public health insurance option does not discriminate against those with preexisting conditions and illnesses, and it will significantly improve the ability of people to access health care.

There are millions of Americans who will tell us their current so-called ''competitive'' market didn't work so well for them because they were denied coverage from the outset, or they were given a benefit plan that covers everything but the diseases they actually have. Health insurance should not be a privilege, but in today's insurance market that is actually what it is. Those who are healthy enough to be approved for coverage, or wealthy enough to afford it, are too often the privileged ones who receive health care. We must shift the competition back to where it should be—on the health insurers competing to provide better coverage at a more affordable rate.

A public health insurance option, if done right, will help shift the insurance market so plans focus on what is best for the patient to thrive instead of plans simply focused on the bottom line.

Just a few weeks ago, Geri Weitzel from Durand, WI, shared her story with me. Geri's husband suffers from renal

failure. His medicine costs hundreds of dollars each month, and the family has thousands in medical debt. Geri is doing her best to make ends meet for her family but sometimes has to choose between paying the mortgage on their home or her husband's medical care, without which he will die. Geri told me she came to Washington to share her story because her husband ''is choosing death over debt.'' She worries that they will lose their home, and they have already lost their savings, but above all, she worries she will lose her husband.

With a strong public health insurance option, we can help ensure that Geri and her husband can afford policies that cover their medical bills and can focus instead on getting well.

A strong public health insurance option is one the public can depend on to be available, regardless of preexisting conditions, place of residence, income, age, sex, health status, or job status. It is an insurance option that will be focused on helping the sick get the treatment they need instead of just turning the biggest profit for shareholders. It is also an insurance option that will help the public invest in wellness, disease prevention, primary care, and chronic disease management. A public option will help ensure no matter what, people have access to a health insurance plan that actually meets their needs.

One of my priorities in the health care reform debate—and one of my priorities throughout my whole time in the Senate—has been fiscal responsibility. It is not enough to pass a bill that expands coverage; we need to do so in a way that reins in runaway health care spending and ensures taxpayer dollars are not wasted. That is another reason we need a strong public health insurance option: because it will help keep costs down for individuals, for employers, and for the government.

Citizen Action Wisconsin estimates that a strong public health insurance option operating in a health exchange could save Wisconsin employers—both private and government—over $1.1 billion each year. For the average Wisconsin family, currently paying around $13,500 a year in health care premiums, this translates to a 33-percent savings, lowering their premiums to just over $9,000 a year.

Now this is real savings. It would have made a big difference to Danine Spencer of Rhinelander, WI. Danine has had a tough 4 years, recovering from multiple conditions which doctors expected to leave her a quadriplegic for life. Danine credits the medical professionals at Froedert Hospital in Milwaukee with helping her reclaim her mobility and, in many ways, her life. While Danine has already made incredible progress, she still has a long way to go.

Fortunately, Danine qualified for disability and Medicaid benefits to cover her medical costs, but she wants to be independent. She wrote me a letter in which she said she ''wants to get off disability very, very badly. I am horribly ashamed that I collect a government check every month. But as it stands, I simply cannot afford private health insurance.''

Danine writes that she has ''heard a public option health insurance plan would sharply lower costs for people like me. Please put everything you have into making sure it is part of the health care reform bill.''

Danine has already overcome incredible challenges. She wants to purchase health insurance but is denied that benefit by the existing system. So a public health insurance option would help ensure that Danine is guaranteed—guaranteed—affordable, high quality health care.

Too often Americans are at the mercy of the insurance companies when it comes to paying premiums and out-of-pocket costs and deductibles. While I commend the growing efforts of select insurers to increase transparency, for the most part consumers have little idea how much procedures cost, where premium dollars go, and whether they are truly getting the best value for their dollar. A public health insurance option would serve as a benchmark competitor for premiums, administrative costs, and benefits packages.

A strong public health insurance option is consistent with a healthy private market and effective private insurance plans. We have several insurers that operate in my home State of Wisconsin that provide great health coverage for their beneficiaries. Responsible insurers should have no trouble competing with a public insurance option on the merits of their plans, but a strong public health insurance option will provide a powerful incentive for less responsible insurers to reevaluate their own cost sharing and benefit plans to ensure that they are actually an attractive option for consumers.

There is another benefit of a public health insurance option which hits particularly close to home. My hometown of Janesville, WI, has one of the highest unemployment rates in the State. Recently, our GM assembly plant ceased production, and other related businesses throughout the community are struggling to stay afloat during these tough economic times. Of course, these challenges are shared by many other communities across the State of Wisconsin. A public health insurance option would be invaluable to families in Janesville and other parts of the State who have recently been laid off because it is a guaranteed, affordable option that can travel with an individual from job to job.

A public health insurance option would also make a tremendous difference to our small business owners who face crippling health care costs while trying to keep their business open.

Health care reform cannot wait. The President has said he wants a health reform bill on his desk by this fall, and I will work hard with my colleagues to make sure we send him a good bill that guarantees every American high-quality, affordable health insurance, and that includes a strong public health insurance option. After so many years of delay and inaction, now is the time to act.

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

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. FEINGOLD. I withhold.

Mr. GREGG. Madam President, I rise to speak on the supplemental. Did the chairman wish to speak?

Mr. INOUYE. No, go ahead.

Mr. GREGG. I am happy to yield to the chairman if he wishes.

Mr. INOUYE. Please proceed.

Mr. GREGG. Madam President, first off, this is a very important piece of legislation. I congratulate the chairman and the ranking member, Senator COCHRAN and Senator INOUYE, for bringing it forward. It is critical that we adequately fund our troops in the field. This is our first responsibility as a government when we have troops in the field in harm's way—to give them the resources they need in order to protect themselves and defend our liberties. So this is a very important piece of legislation, and it must pass. It simply must pass.

However, ironically, as occasionally occurs around here—but in a piece of legislation that is this important to our troops shouldn't occur—this legislation had air dropped into it by the House of Representatives something that has nothing to do with our troops fighting in the field, and that is a bill called the cash for clunker bill.

I have no personal or philosophical disagreement with the concept of purchasing automobiles that are high-mileage vehicles, and they use a lot less gas, and exchanging them for lower mileage vehicles as an attempt to revive the economy and the auto industry and at the same time, hopefully, accomplish some environmental protections. I would simply note, however, that this bill that was air dropped into this legislation doesn't accomplish that.

Basically, this is a bill that was drafted in the House without the input of the Senate. There was a much better bill in the Senate—Senator FEINSTEIN and Senator COLLINS had it—which would have actually meant some mileage differential would have occurred, but it was not allowed to be put in because the bill, as it was put into the conference report, was unamendable.

So the bill itself is flawed because it basically only allows—it allows you to exchange your car and get money for your car, but the increased mileage on the new car you buy only has to be a mile or two a gallon, which is virtually nothing. It has virtually no impact.

So the philosophy of the bill itself is flawed. But the real problem with this bill, besides the fact it is in a piece of legislation it shouldn't be in, is the

fact that it is totally unpaid for. It is $1 billion of new costs put on our children's shoulders. It is $1 billion of new spending put on the Federal debt. We already know the Federal debt isn't sustainable. Almost every day we are hearing international purchasers of our debt—whether it be China or whether it be Russia or whether it be international economists or economists in the United States—saying the American debt situation has gotten out of control, and that we are at risk as a nation of having a situation where the cost of our debt will go up dramatically because we are putting so much debt on the books.

Under the President's budget, the deficit of the government will be a trillion dollars a year, on average, for the next 10 years. We will be running deficits of 4 to 5 percent of gross national product. The deficits will equal 80 percent, and we will have a debt that will equal 80 percent of the GDP. Just within the next 3 years, it will be 60 percent of the GDP. At the end of 10 years, it will be 80 percent.

What does that mean? It means we will have a debt and a deficit situation that will lead us down the road to having a government we cannot afford and our children cannot afford. Ironically, as I said before, our debt is getting so out of control and our deficits are getting so high and out of control that if we as a nation tried to enter the European Union, which is a group of industrialized countries that has rules as to what a country can do in the area of debt and deficit for solvency reasons, we could not get in because their rules say you cannot have a debt or deficit of more than 3 percent, and your debt-to-GDP ratio cannot exceed 60 percent. Latvia or Lithuania or some other nation might be able to get into the European Union, but we could not.

Our debt is an incredibly serious problem for us as a nation and for our children. The irony is, the bill that was airdropped into the defense bill, designed to pay for the troops in the field, came on the exact same day that the President of the United States and the Democratic leadership of the Congress met down at the White House to announce they were going to reinstitute the pay-go rules. What are the pay-go rules? The pay-go rules require that when you spend a dollar, you pay for it; when you create a new program, you pay for it. The President, with great fanfare, said the Democratic leadership of this government—the President and leadership of the Congress are going to put into place the pay-go rules. All future spending will be subject to pay-go rules, with a few exceptions he listed, which were pretty big exceptions.

He didn't list this bill, which spends a billion dollars and is not paid for.

After that press conference, which occurred around 12:30 in the afternoon, the House of Representatives passed the cash for clunkers bill, which spent $4 billion dollars, and it wasn't paid for. That bill added $4 billion of new debt to our national debt—debt which will be paid by these young people up here, who are pages today, when they get jobs. What excuse do we have as a government for passing a bill to purchase cars today and sending that bill to our children and grandchildren as part of the debt we are passing onto them? It is inexcusable. It would be easy enough to pay for this bill. There are innumerable places in the government, which is spending trillions of dollars a year, to find a billion dollars to pay for this bill if it was a priority.

Clearly, if the President and the Democratic leadership are going to call on us to follow pay-go rules, we should follow them—at least for a day. They couldn't even get through a day without violating the rules they said they were going to follow—a billion dollars of new spending, which is unpaid for. Whether you agree with the policy of the bill or not—this cash for clunkers bill—the issue is it spends a billion dollars and doesn't pay for it and adds it to the national debt, which is out of control. The American people know it is out of control, and it is inexcusable that this Congress cannot discipline itself.

I have made a point of order that doesn't bring down the bill and doesn't harm our ability to fund the troops in the field. I made a point of order under a new point of order that was put into place at the beginning of this Congress by the Democratic leadership of this Congress in the Democratic body. This was a good rule. It was put into place by a bill entitled the ''Honest Leadership and Open Government Act.'' Again, it is the Honest Leadership and Open Government Act. Its primary sponsor was Senator REID, and its second sponsor was Senator DURBIN, along with Senator SCHUMER and Senator STABENOW.

The bill was structured for the purpose of not allowing what happened with this defense bill, which is that people airdropped it into special interest legislation—unpaid for in this case. It is called rule XLIV, and I believe it is section 8. It says, essentially, that in a conference you cannot put in new language that was not part of that conference and which is targeting direct spending for the purpose of benefitting some defined group—in this case, for the purpose of passing the cash for clunkers bill. You cannot put it in. The rule says that. Why was it created? Because too often around here, this type of mismanagement of our finances occurs. People go into a conference and they know they have a train that is going to leave the station and, in this case, everybody wants to support the troops in the field and we are going to fund them. So they put in the conference all sorts of extraneous things that are inappropriate to that bill. It has become a pandemic. The Democratic leadership, much to their credit, passed the Honest Leadership and Open Government Act. They put in rule XLIV, section 8, which says that exactly what happened with this language should not happen.

I congratulate the chairman of the committee, Senator INOUYE, because he has resisted, aggressively, allowing this type of action to occur. But in this case, the House of Representatives gave him no option. They put the language in over, I presume, some debate.

So this motion will knock out this language. It doesn't defeat the bill. The bill can be sent back to the House and it can pass. It would take another couple hours, at the most, to pass it. If people want to bring back the cash for clunkers bill, they can do it as a freestanding bill and, hopefully, they can do it by paying for it. That is the way it should be done. It violates another rule, which is the pay-go rule.

So this motion to waive is going to be the first test of this Congress on three critical issues. First, are we going to do something about the debt of this Nation? Are we going to start paying for new programs that we know are politically attractive? Every auto dealer in America wants this language included in the bill. Are we going to pay for it? Second, are we going to live by the rules that were put into place by the Democratic leadership in the Honest Leadership and Open Government Act? Third, are we going to live by the statement made by the President, surrounded by the Democratic leadership of the Congress, that pay-go would be the new way we will enforce fiscal discipline? Those are three major issues that will be addressed by this vote.

Members who vote to waive this rule will be voting to pass a billion dollars of debt on to our children, on top of the trillions we are already putting on their backs. They will be voting to waive a rule that was put in by the Democratic leadership for the purpose of avoiding this type of action—this exact type of action. They will be voting to override the pay-go rules, which many Members have so wrapped themselves in as the way they are going to fiscally discipline this place.

I hope people will not vote to waive this point of order, sustain this point of order, move forward on the supplemental, fund the troops; and let's not add a billion dollars of unnecessary debt on an extraneous program to the troop funding.

I yield the floor, and at the appropriate time, I will yield to Senator GRASSLEY such time as he may desire.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, I rise in support of the conference agreement on H.R. 2346, the supplemental appropriations bill.

The compromise agreement, which has been worked out in a full and open conference between the two Houses, represents the hard work of our conferees.

As has long been the tradition of the Appropriations Committee the compromise package before the Senate reflects the deliberations of our twelve

subcommittees. Each subcommittee has items in this measure and I am pleased to note that all of our subcommittees were able to reach agreement with their House counterparts.

As such, the bill before us represents a balanced compromise between the issues and funding recommended by the House and by the Senate.

As in any compromise neither body, nor individual Member, received everything he or she sought.

The House has agreed to support funding for the International Monetary Fund and the Senate has agreed to compromise language on how we deal with the detainees at Guantanamo. But, it is a fair compromise which I believe all Members should support.

At $105.9 billion, the conference agreement is $14.6 billion above the amount recommended by the Senate. However, it is important to point out to my Senate colleagues that nearly half of this increase represents additional funding for swine flu. This funding was included in response to a budget amendment submitted by the administration following Senate passage of this bill.

The managers of our Labor HHS subcommittees have responded to the potential need for additional swine flu resources by providing more than $7 billion in funding, of which nearly $6 billion is contingent upon the administration submitting additional requests for funds. We have been advised that funding may be required this summer to prepare for an outbreak next fall in the United States if the virus mutates over the next few months.

If that occurs, the American public can be assured that we will be ready. I can also promise my colleagues that our Labor-HHS subcommittee will be monitoring the flu virus and closely watching the administration's efforts to respond to this potential crisis.

Regarding the remaining increase above the Senate bill, the conference agreement funding levels are between the amounts recommended by the two bodies.

The bill includes the funding level sought by the House for the Department of State and ''splits the difference'' in the amount recommended by both bodies for defense and military construction.

One provision of note that was deleted from the measure relates to the public release of photographs of detainees. The Senate agreed to drop this provision only after the President sent a letter to Chairman OBEY and myself assuring us that he would not release the photographs in question.

While many of us support the intent of this amendment, it was clear that including the amendment would jeopardize passage of the bill in the House. That result would not have been an acceptable outcome.

Mr. President, this is a fair compromise and one which is worthy of the support of every Member of the Senate.

I understand that there may be one or two items that not all Members agree with, but I would remind my colleagues that this is a must pass bill. The funding in this bill is critical to the Defense Department in continuing to support our servicemen and women fighting in Iraq and Afghanistan.

I would point out that if we cannot pass this bill, we will shortly run out of funds to pay our service members and to ensure funds are available to support the readiness of all our forces, not just those serving in Southwest Asia.

I want to thank my vice chairman for his counsel and support as we have worked through several difficult issues.

We have forged this agreement together. I would note that there were 30 Senate conferees on this measure and 27 signed the conference agreement.

Finally, I wish to thank all of our subcommittee chairmen and ranking members and their staffs for their hard work. This conference agreement would not have been possible without their efforts.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Iowa.

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

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

TREATMENT OF COMMITTEE WITNESSES

Mr. GRASSLEY. Mr. President, last week, there was a disturbing occurrence on the other side of the Capitol that I believe needs to be brought to the attention of my colleagues in the Senate.

On Tuesday, June 9, the Subcommittee on Energy and the Environment of the House Energy and Commerce Committee held a hearing on allowance allocations policies in the Waxman-Markey climate change bill. One of the witnesses who volunteered to testify before the subcommittee was David Sokol, chairman of MidAmerican Energy Holdings Company, based in my State of Iowa, in the capital city of Des Moines.

We are all very well aware there are very divergent opinions on the so-called cap-and-trade program advocated by Chairman WAXMAN and Subcommittee Chairman MARKEY. Hearing witnesses are typically invited to share different positions and offer different perspectives on prospective policies. That was the case with the MidAmerican CEO. His company supports the cap on emission reductions in the bill but strongly opposes the trading component.

In Mr. Sokol's testimony, he made clear his position that the trading mechanism in the Waxman-Markey bill will impose huge costs on customers. The costs will come in two ways: First, to pay for emission allowances, which will not reduce greenhouse gas emissions; and then for the construction of new, low, and zero carbon powerplants that will actually reduce emissions. So in those two ways, customers pay. He indicated MidAmerican's customers would see an increase in electricity rates of somewhere between 12 percent at the low end and 28 percent at the high end under the climate bill now before the other body.

It appears that Chairman MARKEY did not appreciate the criticism leveled at his bill by Mr. Sokol. During the hearing, a letter was sent by Chairman MARKEY's office to the Federal Energy Regulatory Commission requesting information about MidAmerican's investment and other activities since the 2005 repeal of the Public Utility Holding Company Act—the short term around here, or acronym, is PUHCA.

The six-page letter also requested a reply from FERC within 2 days, ''in order to better inform the Subcommittee's deliberations on this matter.''

However, the 2005 repeal of PUHCA has absolutely nothing to do with Chairman MARKEY's climate change bill. It appears it is more than a coincidence that Chairman MARKEY was firing off a six-page letter concerning MidAmerican while the CEO was making critical comments on his bill before his committee. This appears to be a blatant use of power to intimidate a witness whose opinions differ from the chairman.

It has recently been reported that Chairman MARKEY was unaware that the letter was being sent at the time, and I would accept his position on that. Once the letter was brought to his attention, Chairman MARKEY realized how inappropriate it was and subsequently sent another letter to FERC clarifying his inquiry. This seems to indicate that there are unnamed committee staff who are trying to intimidate and prevent detractors from speaking against their climate bill. These types of strong-arm tactics should not be tolerated.

What lengths are proponents willing to go to if they are willing to intimidate people who disagree with them? Are they so unsure of their own position that they have resorted to apparent retribution to silence their critics? Quite frankly, those in the Senate should be skeptical of legislation that is advanced with such zeal that witnesses are being threatened with intimidation if they oppose it, whether that is by staff writing a letter or any other way.

Policymaking is a very complicated process. It is one that depends on the honest and forthright input of outside experts and stakeholders to give information; obviously, not to twist arms. After this incident, it seems the process going on in the House of Representatives is not open and fair to those who are critical of the Waxman-Markey bill. We owe it to the American public to restore this process to a more dignified level and assure all witnesses before Congress that they will be treated fairly and with respect, regardless of whether they agree or disagree with the chairman and/or staff.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INOUYE. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided between the two parties.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, what is the time agreement?

The PRESIDING OFFICER. The majority has 36 minutes remaining.

Mr. LEVIN. I ask unanimous consent that I be yielded 4 minutes.

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

CASH FOR CLUNKERS

Mr. LEVIN. Mr. President, one way to stimulate a key part of our economy—auto sales—is to establish a so-called fleet modernization or cash for clunkers program that would provide a voucher for purchase of new vehicles to those turning in their older less fuel efficient vehicles. This program will encourage people to purchase new more fuel efficient vehicles and will both stimulate the sale of new vehicles and reduce overall fuel consumption and greenhouse gas emissions. By providing incentives for the purchase of new more fuel efficient vehicles, this program will provide a much-needed boost to the struggling auto industry, including manufacturers, dealers, suppliers and other related industries.

New vehicle sales of all auto companies in the world continue to suffer as we weather this unprecedented downturn in the U.S. economy. Since the end of last year, we have seen a decrease in sales of 30 to 40 percent over the same period a year ago. Therefore, it is imperative that we turn around this sales decline, and one way to help is with incentive programs such as the cash for clunkers program. Legislation to implement such a program was first passed by the House of Representatives as a stand-alone measure and has now been included as part of the Supplemental Appropriations Act before the Senate. Including this measure in this critical legislation will allow this program to be implemented quickly and begin to have a positive effect on the economy.

There is strong evidence that this type of program will work. Nearly every major industrialized country in the world with an auto industry has now some kind of vehicle scrappage program in place and there is documented evidence of increased sales. Germany has seen an increase in new vehicle sales of 25 to 40 percent since its program was implemented earlier this year. China saw an increase in new vehicle sales of 15 percent in March after its program was implemented. France has seen an increase in vehicle sales of 8 percent since its program was implemented at the end of 2008. Other countries—such as Japan and Korea—have more recently followed suit and implemented programs like this. It is too early to have sales data for these countries, but they are expected to show similar positive increases in sales of new vehicles.

Under the legislation passed by the House and included in the supplemental, an individual would be able to bring in an eligible older and less fuel efficient vehicle and receive a voucher for a new more fuel efficient vehicle. To be eligible to be turned in, the old vehicle would need to have a fuel economy value of 18 miles per gallon or less, or in the case of a work truck, be older than a 2002 model. The individual turning in the old vehicle would then receive a voucher for a new vehicle. The minimum threshold for the new vehicle purchased would be 22 miles per gallon fuel economy for new passenger cars, 18 miles per gallon fuel economy for new light duty trucks, and 15 miles per gallon fuel economy for new large trucks.

The amount of the voucher received for a new purchase would depend upon the incremental improvement in fuel economy of the new vehicle over the old vehicle. Individuals would receive a voucher of no less than $3,500 toward purchase of the new vehicle, but could receive as much as $4,500 based upon the fuel economy value of the new vehicle. Higher fuel economy, therefore, would bring higher savings—thereby creating a positive incentive for individuals to buy the most fuel efficient vehicles available. To ensure that the older less fuel efficient vehicle would not be used on the road again, the old vehicle would be taken to a registered disposal facility where it would be destroyed by dismantling the drive train and engine block. Any value of other used car parts would be protected, however, as these parts could be sold separately by the disposal facility.

The compromise before the Senate provides a well-crafted and balanced fleet modernization program. It will accelerate national economic recovery by stimulating up to an estimated 1 million new vehicle sales while at the same time pushing consumers toward purchase of more fuel efficient vehicles. This legislation is based upon months of work to develop a compromise among the administration, the auto companies, environmental organizations, and auto dealers. It provides a reasonable compromise and establishes a solid program that will give consumers with older vehicles an immediate cash incentive to purchase new more fuel efficient cars and trucks. By including a hierarchy of cash vouchers for purchase of new vehicles that increases the amount available for the most fuel-efficient new vehicles, this legislation will both stimulate the economy and encourage consumers to purchase more fuel-efficient vehicles. This legislation strikes the appropriate balance between economic stimulus and fuel efficiency.

The proposal before us today keeps the focus on the primary purpose of this effort—to stimulate the U.S. economy by providing an incentive for individuals to turn in their older less fuel efficient vehicles and purchase a new more fuel efficient vehicle. It provides the proper balance—it encourages consumers to purchase more fuel efficient vehicles by including a hierarchy of incentives that offer a greater amount for a more fuel efficient vehicle. Stimulating vehicle sales while also getting older less fuel efficient vehicles off the road is surely an important national goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I wish to associate myself with the remarks of the senior Senator from Michigan.

I suggest the absence of a quorum, and I ask that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I rise to offer for the Record the Budget Committee's official scoring of the conference report to accompany H.R. 2346, the Supplemental Appropriations Act, 2009.

The conference report includes $105.9 billion in discretionary budget authority for fiscal year 2009, which will result in outlays in 2009 of $30.5 billion. Of this budget authority, $90.7 billion is designated as being for overseas deployments and other activities pursuant to S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010. This results in new outlays of $27 billion in 2009. The conference report also includes $16.2 billion in emergency discretionary budget authority, which results in outlays of $3.5 billion in 2009. Finally, the conference report includes rescissions of existing budget authority and other changes that result in −$1 billion in regular budget authority and −$37 million in 2009 outlays.

The conference report includes several emergency designations each of which is subject to a point of order established by section 403 of the 2010 budget resolution. In addition, the conference report includes language relating to credit scoring that is within the

jurisdiction of the Budget Committee and as a result is subject to a point of order under section 306 of the Congressional Budget Act. Finally, the conference report includes several provisions that make changes in a mandatory program—CHIMPS—that result in an increase in direct spending over the 9-year period, 2011–2019. Each of these provisions is subject to a point of order established by section 314 of the 2009 budget resolution.

I ask unanimous consent that the table displaying the Budget Committee scoring of the conference report be printed in the RECORD.

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

H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009 CONFERENCE REPORT

[In millions of dollars]

	Overseas deployment and other activities	Regular	Emergency	Total funding
Conference Report:				
Budget Authority	90,730	−1,048	16,169	105,851
Outlays	27,029	−37	3,530	30,522

Mrs. LINCOLN. Mr. President, I rise to thank my colleagues for their support of my amendment to the Federal Deposit Insurance Act with respect to the preemption of certain interest rate limitations that are applicable to the State of Arkansas. The adoption of this provision in the 2009 Supplemental Appropriations Act will aid in the economic recovery of Arkansas as demonstrated in the various letters from Governor Beebe, the Arkansas congressional delegation and the related data and communications that are to be printed in the record after my remarks.

With regard to the amendment itself, it is the intention of the drafters and the Senate, that despite the ordering of its paragraphs, the language concerning the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009 are to apply to all bonds and obligations issued under that act for all purposes for which bonds under the act may be issued and are not limited to matters associated with housing. Without this amendment, Arkansas may not have ready access to the same Federal programs to which our sister States have access. Again, thanks to my colleagues for recognizing that the economy of and commerce in Arkansas affects and is affected by every other State and their respective commerce.

I ask unanimous consent that the following documents be printed in the RECORD as supporting documentation of the intent and reasoning behind this important provision: (1) a letter from Arkansas Governor Mike Beebe dated May 14, 2009, (2) a letter from Arkansas Governor Mike Beebe dated March 14, 2008, (3) a letter from the Arkansas Congressional Delegation dated May 14, 2009, (4) a letter from the Council of Development Finance Agencies dated May 29, 2009, and (5) Presentation to the Arkansas House Committee on State Agencies and Governmental Affairs regarding a proposed State constitutional amendment to deal with this issue. The inclusion of these documents serves to make clear our intent regarding this important provision.

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

MAY 14, 2009.

Hon. BLANCHE LINCOLN,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR: The American Recovery and Reinvestment Act of 2009 (ARRA) provides the first significant improvements to the federal public-finance legislation in decades. The municipal finance industry, cities, counties, and state finance agencies will have until 2011 to utilize the new authority given by Congress.

Unfortunately, governmental entities in Arkansas are still subject to provisions in the Constitution of Arkansas that impose interest-rate limits and restrict our use of the ARRA funds. The State is currently taking steps to amend our Constitution with respect to interest-rate controls, but such changes, if approved, will not become effective in time for the State to be able to fully participate in the National Recovery by utilizing these new financing tools,

In light of the negative impact of the current restrictions in the Arkansas Constitution, we respectfully request a temporary federal preemption of State interest-rate limits until January of 2011 for those federal programs that deal with public-finance matters addressed in ARRA.

The amendments and modifications in ARRA provide for more participation from investors, from private industry, and from governmental entities. We need temporary relief from the controls in Arkansas so that our State may participate fully in the development activities and the improved finance capacities enjoyed by the rest of the country. Thank you for your attention to this critical matter.

Sincerely,

MIKE BEEBE.

MARCH 14, 2008.

Senator BLANCHE LINCOLN,
Dirksen Senate Office Building,
Washington, DC.
Senator MARK PRYOR,
Dirksen Senate Office Building,
Washington, DC.
Representative MARION BERRY,
Rayburn House Office Building,
Washington, DC.
Representative MIKE ROSS,
Cannon House Office Building,
Washington, DC.
Representative JOHN BOOZMAN,
Longworth House Office Building,
Washington, DC.
Representative VIC SNYDER,
Longworth House Office Building,
Washington, DC.

DEAR FRIENDS AND COLLEAGUES: As you know, Arkansas is the only state that has a prescriptive usury provision in its constitution. With regard to some commercial transactions, this usury provision poses a problem for those entities that are not removed from its authority via federal preemption.

In recent years, Congress has enacted several laws preempting the Arkansas usury provision for Arkansas banking institutions, auto finance companies, and other similar entities, However, the usury provision is still applicable to certain transactions involving governmental entities, as a federal preemption has not been granted in their favor.

The recent reduction of the primary credit discount rate by the Federal Reserve Bank in its efforts to stimulate the economy has exposed the negative effects that the Arkansas usury provision can have on particular governmental entities. While the rate reduction may benefit the overall economy, it also has resulted in the reduction of the Arkansas usury limitation to 8.5 percent currently, with a likely decrease to 8 percent in the near future. This low usury limitation makes it exceedingly difficult for transactions that are mandated by the federal government or that are for the purpose of implementing federally established programs to take place.

Specifically, due to the Arkansas usury limitation, the Arkansas Student Loan Authority (ASLA) is finding it more and more difficult to finance activities that allow it to make student loans available for Arkansas students. Current distresses in the financial markets and the recent changes to the federal student loan program have greatly impacted the student loan industry. The credit market situation is predicted to worsen before experiencing improvement. Although ASLA has financial stability, it will need additional capital to fund loans when they reach the point that they are unable to continue recycling loan funds. The Arkansas usury provision is currently acting as a barrier to additional capital, as banks are not willing to accept bonds that may be limited by the current low usury rate. This is a problem that not only plagues ASLA, hut also affects the manner in which the Arkansas Development Finance Authority (ADFA) implements its single-family mortgage program and its multi-family programs, as well.

Accordingly, I am asking you to consider enacting legislation that would grant a usury preemption provision in those instances when either a governmental or a private entity, such as ASLA or ADFA, is responsible for carrying out federally mandated programs or implementing federally established programs. We believe that when so expressed, the Congress's ability to preempt state usury laws under the commerce clause is broad enough to cover the federal preemption suggested. Representatives of both ASLA and ADFA have been working on a draft usury-preemption provision, and they, along with a representative from my office, will be contacting your office regarding this issue. I am hopeful that this can be accomplished in a manner similar to the preemption granted to Arkansas banking institutions through the Gramm-Leach-Biley Act.

This is a developing matter of some urgency, and I very much appreciate your cooperation and consideration with regard to this issue.

Cordially,

MIKE BEEBE.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 14, 2009.

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: As members of the Arkansas delegation, we are requesting your support for an amendment we will be offering to the Credit Cardholders' Bill of Rights Act of 2009 (H.R. 627) during Senate consideration. This is a critical legislative proposal that will provide temporary relief for an Arkansas-specific interest rate problem that is having a severe impact on Arkansas students, consumers, and businesses, as well as our municipalities and state government.

Arkansas is the only state in the nation with a constitutionally-defined, artificially low interest rate limit that is tied to the Federal Discount Rate. Under current law, the interest rate on special-revenue bonds and non-bank consumer loans may not exceed five percent above the Federal Discount Rate, currently set at .50 percent. Other bonds are capped even lower, at 2 percent above the Federal Discount Rate. As a result, Arkansas' state and local governments, public universities, and utilities in search of financing for construction and improvement projects are severely hampered by the current limit; as are Arkansas consumers, who are facing a lack of credit availability.

Practically speaking, the current interest rate limit in Arkansas on all non-bank lending is no higher than 5.50 percent. Not surprisingly, this low rate of interest has contributed to bond investors looking to other states across the country where their yields will be much higher, as well as credit rationing by non-bank lenders that have been forced to restrict funds to consumers, particularly now when capital is hard to come by.

Although we understand the Federal Reserve's actions in recent months to continue lowering the Federal Discount Rate were intended to combat the economic crisis and stave off a further decline in our financial markets, their actions have only exacerbated the economic challenges faced in our state. Additionally, many of the tools put in place in the American Recovery and Reinvestment Act earlier this year to jumpstart our economy, such as the Recovery Zone Bonds and the Build America Bonds, are not available in our state because of our lack of competitiveness in the bond market. As stated in a recent Arkansas Democrat-Gazette article on this issue:

''The bond market has responded to the Build America program. Since its introduction, investors have purchased $8 billion in offerings, providing the bulk of activity in the taxable-bond sector. Arkansas is not in position to take part.''

This is an issue that impacts Arkansas alone and Arkansas does indeed intend to fix the problem. However, we can't do so immediately because this archaic clause in Arkansas law must be rectified through a statewide ballot initiative. Therefore, a proposal to permanently modify this outdated law will be voted on by the people of Arkansas, but not until the next statewide ballot in 2010. Unfortunately, the economic challenges our nation now faces are magnified in our state because of this problem and immediate, emergency intervention is essential.

There is precedent for Federal action on this issue, as the U.S. Congress enacted an Arkansas-specific provision to exclude Arkansas bank lenders from this exact interest rate limit in 1999, The amendment we are offering today is more limited in scope, allowing only a temporary relaxation of the current interest rate limit to a more reasonable level, not to exceed 17 percent; and it would only be in effect until the state ballot initiative is considered. This is merely a bridge to get us through the immediate crisis and to a point when our state can permanently address the problem next year.

This is a matter of great urgency for our state. We hope we can count on your support and look forward to discussing further if you have any questions or concerns.

Sincerely,

BLANCHE L. LINCOLN,
U.S. Senate.
MARK PRYOR,
U.S. Senate.
MARION BERRY,
Member of Congress.
VIC SNYDER,
Member of Congress.
JOHN BOOZMAN,
Member of Congress.
MIKE ROSS,
Member of Congress.

COUNCIL OF
DEVELOPMENT FINANCE AGENCIES,
Cleveland, OH, May 29, 2009.

Hon. BLANCHE LINCOLN,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LINCOLN: The Council of Development Finance Agencies (CDFA) respectfully urges support and passage of the temporary federal preemption on municipal interest rates until December 31 of 2010 for those federal programs dealing with public finance matters addressed in the American Recovery and Reinvestment Act (ARRA). This preemption was proposed by Senator Lincoln as an amendment to H.R. 2346, a supplemental spending bill. It is a measure that would provide significant benefits to the State of Arkansas.

Most of the ARRA provisions only have a two-year window. Unfortunately, the governmental entities in Arkansas; state agencies, state bond authorities, cities and counties are still governed by the provisions in the Constitution of Arkansas that control interest rate limits. The State of Arkansas is taking steps to amend their Constitution with respect to interest rate controls. HJR 1004 has been referred by the State Legislature to the Arkansas voters during the 2009 legislative session. HJR 1004 is a proposed constitutional amendment that will remove the ceiling on interest rates for governmental units. That vote will be decided at the general election in November of 2010, which would essentially prevent Arkansas from utilizing the two-year provisions, including Build America Bonds.

CDFA is a national association dedicated to the advancement of development finance concerns and interests. We have a long history of working with Arkansas agencies that would be positively impacted by this amendment, including the Arkansas Development Finance Authority (ADFA). They have been a longtime member and active on our Board of Directors. ADFA is one of the leading development finance agencies in the country and was recognized as having the best industrial development bond program in 2006 by CDFA. ADFA is also one of 10 organizations highlighted as case studies in CDFA's recently published book, the Practitioner's Guide to Economic Development Finance.

In light of the negative impact of the restrictions embedded in the Arkansas Constitution, CDFA respectfully requests a temporary federal preemption on interest rates until December 31 of 2010 for those federal programs dealing with public finance matters addressed in ARRA. This exemption would allow ADFA and other Arkansas agencies access to financing tools that would allow them to issue debt and finance new projects at significant cost savings to Arkansas taxpayers.

Sincerely,

TOBY RITTNER,
President & CEO.

PROPOSING A CONSTITUTIONAL AMENDMENT TO REMOVE FROM THE CONSTITUTION INTEREST RATE LIMITS ON BONDS ISSUED BY AND LOANS MADE BY OR TO GOVERNMENTAL UNITS

LEGAL HIGHLIGHTS

The proposed amendment eliminates constitutional interest rate limits currently applicable to governmental units.

The proposed amendment provides that the General Assembly shall have the power to establish interest rate limits.

The proposed amendment removes the interest rate limit on city and county bonds backed by taxes (such as sales, property, and hotel/restaurant taxes) which must be voter approved. Amendment No. 62 sets the limit at 2.00% above the Federal Discount Rate on the date of the election approving the bonds. The Federal Discount Rate is currently .50% which produces an interest rate limit of 2.50%.

The proposed amendment removes the interest rate limit on revenue bonds. Amendment No. 65 that authorizes revenue bonds to be issued without an election states that Amendment No. 60's interest rate limit is to apply to revenue bonds. That limit is 5.00% above the Federal Discount Rate when the contract or bond purchase agreement is signed. The Federal Discount Rate is currently .50% which produces an interest rate limit of 5.50%.

Any agreement that provides for an interest rate that is variable over its term is currently controlled by the initial limit established when a contract is signed, without regard to market changes over the term of the agreement.

The proposed amendment removes the interest rate limit on loans made by governmental units, including State Agencies that have project loan programs such as the Arkansas Development Finance Authority and the Arkansas Natural Resources Commission. The Amendment No. 60 limit mentioned above applies to such programs (5.00% above the Federal Discount Rate on the date any program loan agreement is signed, currently 5.50%).

The proposed amendment removes the interest rate limit on short term financing for cities and counties. Amendment No. 78 that authorizes short term financings sets a limit based upon one year U.S. treasury obligations. The limit changes quarterly.

Examples of Planned or Pending Bond Issues Impacted by Arkansas' Interest Rate Limitation

Issuer	Type of Issue	Project	Status	Approximate Par Amount
Arkansas Methodist	Revenue	Hospital Improvements	Restricted by Interest Rate Limit	$ 10,000,000
Arkansas Student Loan Authority	Revenue	Funding Student Loans	Restricted by Interest Rate Limit	800,000,000
Bradley County	Sales Tax	Hospital Improvements	Restricted by Interest Rate Limit	4,500,000
Children's Hospital	Revenue	Various Improvements Including: New Patient Tower and Utility Upgrades	Restricted by Interest Rate Limit	100,000,000
Conway Regional Medical	Revenue	Hospital Improvements	Restricted by Interest Rate Limit	30,000,000
City of DeWitt	Sales Tax	Street Improvements	Restricted by Interest Rate Limit	10,000,000
City of Farmington	Sales Tax	Recreational Facilities	Restricted by Interest Rate Limit	2,000,000
Garland County	Sales Tax	Jail Expansion	Restricted by Interest Rate Limit	34,000,000
City of Greenwood	Sales Tax	Street, Parks, and Fire Protection Improvements	Restricted by Interest Rate Limit	3,000,000
Ouachita Baptist University	Revenue	Campus Improvements	Restricted by Interest Rate Limit	10,000,000
City of Rogers	Sales Tax	Street Improvements	Restricted by Interest Rate Limit	100,000,000
City of Star City	Sales Tax	Water, Sewer, and Street Improvements	Restricted by Interest Rate Limit	3,500,000
City of Waldron	Sales Tax	Street Improvements	Restricted by Interest Rate Limit	2,000,000

Examples of Previous Bond Issues that would be Unmarketable Today Due to Arkansas' Interest Rate Limitation

Dated Date	Amount	Final Maturity	Issue	Purpose
10/1/00 & 1/15/01	$11,950,000	2020	City of Crossett, Arkansas Sales and Use Tax Bonds, Series 2000 and 2001	Construct and Equip Public City Library, Public Sports Complex; and Street Improvements
11/1/00 – 6/1/01	18,135,000	2013-2023	City of Blytheville, Arkansas Sales and Use Tax Improvement Bonds, Series 2000 and 2001	Sewer improvements, golf course, recreation facilities, streets, drainage and other
7/1/01	39,800,000	2012	City of Hot Springs, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2001	Construct and Improve Hot Springs Civic Center; and to Advance Refund a Prior Bond Issue
6/1/03	9,800,000	2026	Chicot County, Arkansas Sales and Use Tax Improvement Bonds, Series 2003	New Hospital Construction
8/1/03	7,400,000	2014	City of Malvern, Arkansas Sales and Use Tax Improvement Bonds, Series 2003	Sports Complex
9/1/03	10,900,000	2012	Jefferson County Sales and Use Tax Improvement Bonds, Series 2003	New Jail Construction
4/1/05	2,565,000	2025	City of Truman, Arkansas Sales and Use Tax Improvement Bonds, Series 2005	Various Municipal Improvements
6/1/05	10,000,000	2021	City of Rogers, Arkansas Sales and Use Tax Bonds, Series 2005	Street Improvements
9/1/05	6,365,000	2023	City of Mountain View, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2005	Sewer System Improvements and to Refund four Prior Bond Issues
10/1/05	18,690,000	2031	City of Stuttgart, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2005	Water, Sewer, Street, Fire, Police, Park, and Old Post Office Improvements; and to Refund two Prior Bond Issues
11/1/05	2,255,000	2030	City of Nashville, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2005	Water and Sewer System Improvements; and to Refund a Prior Bond Issue
12/1/05	30,150,000	2031	City of Cabot, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2005	Sewer, Street, Overpass, Community Center, and Animal Shelter Improvements; and to Refund two Prior Bond Issues
12/1/05	985,000	2030	City of Vilonia, Arkansas Sales and Use Tax Bonds, Series 2005	Construct and Equip a Municipal Complex
1/1/06	1,725,000	2035	Yell County, Arkansas Sales and Use Tax Bonds, Series 2005	Improvements to County Courthouses in Dardanelle and Danville
4/1/06	2,600,000	2025	City of Bentonville, Arkansas Combined Electric, Water and Sewer System Revenue Bonds, Series 2006 B (Federally Taxable)	Improvements to the Water Facilities of the City's combined Electric, Water and Sewer System
5/1/06	16,000,000	2030	City of Heber Springs, Arkansas Sales and Use Tax Improvement Bonds, Series 2006	Park and Recreational Improvements

Examples of Previous Bond Issues that would be Unmarketable Today Due to Arkansas' Interest Rate Limitation (continued)

Dated Date	Amount	Final Maturity	Issue	Purpose
9/1/06 & 4/1/07	16,990,000	2031 & 2022	City of Bryant, Arkansas Sales and Use Tax Bonds, Series 2006 and 2007	Construct and Equip Park and Recreational Improvements
11/1/06	865,000	2017	City of Camden, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2006	Fire Department Improvements and to Refund two Prior Bond Issues
11/1/06 & 10/1/07	64,340,000	2021 & 2026	City of Fayetteville, Arkansas Sales and Use Tax Capital Improvement Bonds, Series 2006A and 2007	Wastewater, Street, and Trail System Improvements
12/1/06	9,165,000	2031	Sebastian County, Arkansas (Sparks Regional Medical Center) Public Health Facilities Board Hospital Revenue (Junior Lien) Bonds, Series 2006	Construct and Equip certain Emergency Room, Imaging, Intensive Care and Surgical Facilities
3/1/07	1,130,000	2029	City of Dumas, Arkansas Sales and Use Tax Bonds, Series 2007	Street and Park & Recreational Improvements
4/18/07	3,400,000	2022	City of Little Rock, Arkansas Waste Disposal Revenue Bonds, Taxable Series 2007	Improvements to the City's Waste Collection and Disposal System
6/1/07	24,090,000	2047	Howard County, Arkansas Sales and Use Tax Improvement Bonds, Series 2007	Construct and Equip a Hospital Facility
7/1/07	$ 3,910,000	2028	City of Farmington, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2007 A & B	Sewer System Improvements and to Refund a Prior Bond Issue
7/31/07	590,000	2013	St. Francis County, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2007	County Courthouse and Jail Improvements; and to Refund a Prior Bond Issue
8/1/07	37,080,000	2037	City of Magnolia, Arkansas Sales and Use Tax Bonds, Series 2007	Construct and Equip a Hospital Facility
8/1/07	2,995,000	2035	City of McGehee, Arkansas Sales and Use Tax Bonds, Series 2007	Justice Facility Acquisition and Early Warning System Improvements
9/1/07	4,335,000	2037	City of Atkins, Arkansas Sales and Use Tax Bonds, Series 2007	Water System Improvements
2/1/08	1,195,000	2023	Perry County, Arkansas Sales and Use Tax Bonds, Series 2008	Construct and Equip County Jail and Criminal Justice Facilities
9/1/08	3,920,000	2019	City of Brinkley, Arkansas Sales and Use Tax Bonds, Series 2008	Street, Water, Sewer, and Fire Department Improvements

ARKANSAS'S INTEREST RATE RESTRICTIONS IMPACT ON STATE AGENCIES

EFFECT ON ARKANSAS STUDENT LOAN AUTHORITY

The Arkansas Student Loan Authority (''ASLA'') provides student loans to Arkansas residents and students at Arkansas's universities and colleges. ASLA also provides liquidity for Arkansas banks participating in the Federal Family Education Loan Program. ASLA raises the money from which it makes and purchases student loans by issuing bonds in the capital markets.

The maximum amount of interest that ASLA may pay a bond investor under the Arkansas interest rate restriction is determined at the time bonds are issued, and this rate cannot change even if the market changes over the 25–30 year life of the bonds. The current maximum interest rate under Arkansas law is 5.50%. The interest rate limit is determined by adding 5 percentage points to the Federal Discount Rate. The current Discount Rate is 0.50%.

ASLA was forced to redeem approximately $80 million in bonds in 2008 due to the bond interest rates exceeding limits established at the time bonds were initially sold to investors. These funds would have normally been used to make or purchase student loans.

Previously, ASLA and other student loan issuers accessed funds in the capital markets primarily by issuing Auction Rate Bonds. The interest rate limit was a nuisance when issuing Auction Rate Bonds but was not an impenetrable barrier. The Auction Rate Bond market has collapsed and is not expected to return.

The most likely vehicle through which ASLA will access the capital markets is through Variable Rate Demand Bonds, which require a ''liquidity bank''. The banks who typically act as liquidity providers are unwilling to do business in Arkansas due to the artificial interest rate ceiling placed on bonds issued by governmental agencies in the state.

The interest rate restriction affects much more than student loans; it is having a negative effect on Arkansas cities, counties, nonprofits and State governmental agencies that depend on the issuance of revenue bonds to gain access to funding. Such agencies use revenue bonds to finance facilities for water, sewer, industrial development, education, recreation and other important projects that serve the needs of the citizens of Arkansas.

EFFECT ON OTHER ARKANSAS STATE AGENCIES

The inability of State of Arkansas bond issuers to lock in long-term interest rates for governmental, student loan, housing, economic development and 501(c) 3 projects puts Arkansas at a competitive disadvantage with the rest of the world. Arkansas borrowers who need fixed rate financing for their long-term assets are being subjected to interest rate risk and higher transaction costs due to refinancing, because the bonds are only able to be sold with shorter term maturities, if they can be sold at all.

Following this page is information on two example transactions completed to support economic development that were impacted by the existing constitutional interest rate limit. The bond issues were for the Hewlett Packard facilities in Conway and Sage Foods in Little Rock. Fortunately, these issues were completed before the Federal Discount Rate was lowered to its current level of .50%. Otherwise, the negative impact could have been greater.

Lenders located outside the borders of Arkansas that provide liquidity and credit enhancement to bond issues will not be extending credit if interest rates in Arkansas do not float up and down with the market. These out-of-state lenders do not want to take interest rate risk on bond issues for their manufacturing clients that are located in Arkansas.

Arkansas governmental agencies that make loans and manage revolving loan funds need proper compensation for lending risks, making it easier to build sustainable pools of lending capital for the State of Arkansas.

Taskforce on the 21st Century Economy: (Web site—http://taskforce21.arkansas.gov/)

One charge of the 21st Century Taskforce: Define the programs and services needed for the state and its communities to be globally competitive within the role and scope of 21st Century economic development.

THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009—BUILD AMERICA BONDS

With rates currently capped at 5.5%, Arkansas will not be able to participate in this taxable bond financing program in a very meaningful way. Current federal law limits these new bond issues to years 2009 and 2010. Many other substantive changes were also made to federal tax law. Arkansas issuers will not be able to take full advantage of these changes.

CITY OF LITTLE ROCK, AR—TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS

[Sage V Foods, LLC Project]

$4,455,000	$1,545,000	$5,000,000
Series 2008 A	Series 2008 A–2	Series 2008 B
Dated: November 1, 2008	Dated: December 1, 2008	Dated: December 1, 2008
S&P: A	S&P: A	S&P: A
ADFA Guaranty	ADFA Guaranty	ADED Guaranty

Sage Foods, LLC (the ''Company'') is in the business of producing rice-based ingredients for the food industry. The Company operates a rice flour mill and a rice cooking facility in Freeport, Texas. The Company recently built a new flour mill and extrusion plant in Stuttgart, Arkansas. The Company needed $11,000,000 to build a 90,000 square foot industrial facility for the production of instant rice and frozen rice in the Little Rock Port Industrial Park. The Bonds were originally structured to have $6,000,000 issued with an Arkansas Development Finance Authority (''ADFA'') Guaranty and $5,000,000 with an Arkansas Department of Economic Development (''ADED'') Guaranty, with level debt service and a final maturity of 2023.

Because of Arkansas interest rate limits, the true interest cost (TIC) on the Bonds is limited to 5% over the federal discount rate the day the bond purchase agreement is signed. The discount rate was lowered to 1.75% on October 8th, which meant the TIC couldn't exceed 6.75% on the Bonds. With this limitation, $4,455,000 of the ADFA Guaranteed Bonds were sold on October 28th with a final maturity of 2023. The Borrower needed the final series of bonds issued by year end. With the change in the discount rate to 1.25% on October 29th, the structure of the remaining Bonds had to be shortened to 2014 with the bulk of the bonds maturing in the final year. These bonds were sold in early December, a week before the discount rate was lowered to .50%.

Mr. FEINGOLD. Mr. President, just about 1 month ago I voted against the emergency supplemental spending bill and stated my reasons for doing so at some length. I will not repeat what I said then, but my concerns also apply to the conference report we are considering. While the President has provided a timeline for redeployment of our troops from Iraq, I remain concerned that we may see upwards of 50,000 U.S. troops remain in that country. Leaving such a substantial number of troops in Iraq could undercut the benefits of redeployment, and might result in a significant uptick in violence against U.S. troops.

I am also concerned that this supplemental pads the defense budget with items not needed for the war and outside the normal appropriations cycle.

Finally, and even though President Obama has a plan to focus the government's attention and resources where they are most needed—on Afghanistan and Pakistan—I am worried that the current strategy does not adequately address, and may even exacerbate, the serious national security problems we face in that part of the world. Those problems could be made worse, not better, by sending 21,000 more U.S. troops to Afghanistan and they may be further aggravated if there is not an adequate response to the nearly 3 million Pakistanis who have recently been displaced.

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

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

Mr. REID. Mr. President, we will soon vote on a motion to waive a point of order. In the last Congress, we heard our colleagues say things such as:

I cannot understand how we can claim to support our troops and yet put them in increased jeopardy as a result of our failure to act.

Here is another:

It is so irresponsible to tell these young men and women who are serving in uniform with the orders of their Commander in Chief that you're not going to give them the necessary ability to defend themselves. In my view it's terribly misplaced priorities.

And another:

It is time to put politics behind us and support our troops with the funds they need.

Each of these quotes were spoken by Republicans when a Republican was in the White House. Today, with a Democrat in the White House, some Republicans threaten to stand in the way of our efforts to support our troops. Our soldiers, sailors, airmen, marines have done everything we have asked of them and more. As always, our troops and commanders have gone above and beyond. The least we can do is give them the basics they need to fight this war against terrorists. This bill does that. It gives our brave troops, including more than 1,000 men and women from the State of Nevada, the resources they need to do their jobs and to return home safely. It provides $80 billion for the wars in Iraq and Afghanistan.

In this important piece of legislation, we are also dedicating billions of dollars to make sure we are prepared for and to respond to a potential flu pandemic. We must be ready. There is no other opportunity than this legislation to be ready by this fall. We are also dedicating billions of dollars in this legislation to strengthen the security

along our borders, and we are also dedicating billions of dollars to support counterterrorism programs both at home and abroad. This is very important.

But in this bill are not merely numbers. This legislation also contains our commitment to strengthen our military, rebuilding our relationships with key allies around the world and reducing key security threats.

Rather than restoring our standing in the world, some Republicans are standing in the way, period. I repeat, rather than restoring our standing in the world, some Republicans are standing in the way. They are threatening to block this entire bill and the good it does because of one small but significant part of it. That small but significant part is actually a tremendously important and good program. It is called cash for clunkers.

This is a program that has been tested in other places. In Germany, it has been tremendous for their economy. It helps our economy and our environment. Here is how it works. If you trade in your car over the next 4 months, we will give you up to $4,500 toward a new car that is more fuel efficient. That sounds pretty good. Everybody benefits, the environment and the economy. Those who oppose this may not think it is a worthy goal, but they should not hold hostage the equipment and training our troops need because of this small provision in the bill. They should not let less than 1 percent of this entire important bill sink the whole thing, but that is exactly what some of our colleagues are planning to do.

Are they doing it to embarrass the President? Are they doing it because they don't think the troops need the resources to fight those two wars? Why are they doing this?

Because everyone should understand, if this point of order is not waived, this bill is finished. The House had a difficult time passing this legislation because the House got no support from Republicans. The question is whether these Senators still agree we must never walk away from our troops or if they only believe it when their party is in the White House. I sincerely hope Senate Republicans do not follow the lead of the House Republicans. Out of 435 Members of the House of Representatives, 5 Republicans voted to support our troops. They had a different excuse in the House. What they said was: We are not going to do this because there is a small amount of money in there for the International Monetary Fund. There hasn't been a word raised in this body over that because it is so important. It is supported by Democrats and Republicans over here, that particular provision in the supplemental.

In the Senate, they have raised another issue, cash for clunkers. Some are saying: Well, cash for clunkers isn't bad, but I don't like this version of it. I think we could do a version that would be more environmentally friendly and so, as a result, I am voting against it.

Everyone should understand, especially those who care about our armed services—and I know the American people support them 100 percent—all the American people should understand, if there is not a waiver of this point of order, the troops will not get their money. Secretary Gates has been very good. He has not sent out any blue slips telling them they are going to lose their jobs, to civilian employees first, and then the pink slips to others that they will lose their jobs permanently. But that time is fast approaching. We cannot simply revitalize this bill in a matter of a few minutes. We have to do it today. There are provisions in this bill that are important to our standing in the world. We have to support our troops.

I, personally, with 5 children and 16 grandchildren, am a little concerned about the flu pandemic that all scientists, with rare exception, are telling us is going to hit in the fall. We are spending this money at this time so we can be ready for that and have shots that people can get to stop them from getting sick or not getting as sick.

Our troops, each and every one of whom volunteered for duty, are the last people who should be caught in the crossfire of political gamesmanship.

I hope the point of order will be waived and that the money for the troops will be on its way in a matter of hours.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the majority leader for his statement. I know there is controversy involved in this so-called cash for clunkers, which is a humorous name for a very serious proposal. Let's be real honest about where we are in America today. We have seen the largest decline in automobile sales in 50 years. Sales are down 29 percent. Automobile production is down 46 percent from where it was just 17 months ago. Plummeting auto sales have reduced production, and it has had a ripple effect across the economy, forcing dealerships and factories to close. We have lost 280,000 American jobs in the automobile industry. That is what this is about, 280,000 American jobs that are lost and more that will be lost if we do nothing.

Some would have us do nothing. While the automobile industry is roiling from job losses and declining production, many consumers in the market for new cars are waiting. They are holding back. The purpose of this legislation is to put some movement into the purchasing of new automobiles. It is a targeted way to give incentives to Americans to buy cars, get them back in the showrooms, back on the lots buying the cars that start moving the inventory, creating demand, and creating a more positive feeling about the automobile industry. Are there better ways to have written this? Yes. I think I could have sat down with others and spent more time. But that is the case in almost every bill that comes before us.

Some have argued: Listen, this just came up in the conference committee. It passed the House of Representatives before it was brought up in the conference committee. I will concede that I wish that bill would have been debated and passed here, but we didn't have the opportunity to do it. We literally did not. This is a matter of seizing an opportunity that could make a profound difference.

Has this concept of giving cash incentives to customers to buy cars ever been tried? It turns out it has. It was tried in January of this year in Germany, where they offered $3,300 to consumers to replace old cars with new ones. At the end of the program's first month, car sales in Germany dramatically increased by 21 percent. The bad news? That same month automobile sales in the United States went down by 41 percent. Germany knew how to create a surge in purchasing by consumers with similar legislation to what is being brought to the floor.

Let's be honest about the automobile industry. Next to the housing industry, it is at the base of our economic pyramid. We need to make sure a strong auto industry is available to America so we can rebuild out of this recession and start creating jobs. Those who want to kill this provision are walking away from incentives to put people back to work in dealerships selling cars, servicing cars, and producing cars across America.

I beg those who oppose this to understand what we will face if we do nothing, which is what they want to do, nothing. I think that is a terrible outcome. If we want to stand behind recovering from this recession and restoring consumer confidence, if we want to move old cars off the road, the so-called clunkers, and bring new cars on the road with higher gas mileage, this is our opportunity. Let's not get caught up in some procedural tanglement. Keep our eye on 280,000 Americans out of work in this industry, more to follow if we do nothing. This is going to be an important measure for us in the long run. We need to build on it. First, we need to pass this today.

As Senator REID has said, it is an important provision in the House of Representatives. Without it, we are not sure we can pass this supplemental bill, which has so many other important provisions, not the least of which is providing for our troops in the field. It is a delicate balance that brings this to the floor. I hope those who oppose it don't want to stand back and do nothing as this recession continues, understand the gravity of this automobile industry being flat on its back at this point in time, and realize that we owe President Obama passage of this supplemental legislation. President Obama did not want to ask for this bill to pay for the wars in Iraq and Afghanistan. But, unfortunately, the previous

President made us fund these wars on an emergency basis. So we had to come in with a supplemental appropriations bill to pay for the war. That will not happen again.

Next year, President Obama is putting it in the regular budget. This is one of the last things we have to do to clean up a situation left for this President by President Bush. This bill for automobiles—this one that has a broad cross section of bipartisan support—includes support of business and labor: the United Auto Workers, the National Association of Manufacturers, the U.S. Chamber of Commerce, and the National Automobile Dealers Association, as well as more than a dozen Governors.

It is important we defeat this procedural objection to this program, that we put this money into our economy, give people a chance to buy a new car that is more fuel efficient, and put people back to work across America, so we can start digging ourselves out of this recession hole.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first off, I appreciate the assistant majority leader clarifying the situation unalterably; that this waiver issue is solely about the issue of cash for clunkers—a piece of legislation which has absolutely nothing to do—nothing to do—with funding our troops in the field and was airdropped into a conference without being paid for, adding $1 billion of new debt to our children's backs. That is what this waiver is about.

The majority leader has said this waiver will, in some way, harm the ability to fund the troops. I believe that to be totally inaccurate. This motion comes out of a piece of legislation which the majority leader and the assistant majority leader authored. They wrote the bill called the Honest Leadership and Open Government Act. That bill created this point of order specifically to address this type of situation, where in a conference one or the other of the two bodies sticks into a bill that is a must-pass bill language which has nothing to do with that bill and which is not paid for.

In this case, it is $1 billion of spending not paid for which has nothing to do with the troops in the field. The reason they structured the rule this way was so it would not harm the underlying bill, so that if this point of order is successful, this bill goes back to the House and they can vote for it and send it to the President and fund the troops.

Is it the position of the assistant leader that this cash for clunkers bill is so important that the House of Representatives would not fund the troops if the language was not in the bill? Is he saying the Democratic leadership of the House is holding the funding of the troops hostage to spending $1 billion on an extraneous program, which creates virtually no environmental improvement in our fleet and which is simply part of the economic effort to revive the auto industry—which we have already spent $83 billion on, by the way. Is that what he is saying?

That seemed to be the implication of his language: that the House will not pass the funding for the troops if we take it out of it—under a rule created for the purpose of disciplining ourselves this way, a rule created by the majority leader and by the assistant majority leader; authored by them and designed specifically to address this type of situation, where a conference is truly abused relative to funding and spending money which we do not have.

I do not believe that is realistic. I do not believe the Democratic membership of the House is going to vote against this bill if the cash for clunkers language is taken out on a surgical strike under a procedural right which was created by the Democratic leader and the Democratic assistant leader.

In addition, of course, there is the fact that pay-go is being violated. There is the great irony that the President of the United States, surrounded by the Democratic leadership of the Senate and the House, held a very dramatic press conference at the White House, at 12:30 in the afternoon, saying they were going to reestablish the pay-go rules for future spending, that new programs would have to be paid for. And then that House leadership went back up to Capitol Hill, and on the same day, passed this cash for clunkers bill, which was not paid for and violated the pay-go rules. The hypocrisy of it is so extraordinary that it cannot even be described. But that is what happened.

And then, in order to protect this bill, which was an unpaid-for violation of the pay-go rules, they stuck it into the conference report to fund the troops. How outrageous is that? So a pay-go point of order, which might take down this whole bill, is not appropriate to make. But it is appropriate to make this very targeted point of order, which will only eliminate the cash for clunkers language.

The policy of cash for clunkers is debatable. Maybe it makes sense; maybe it does not make sense. But it certainly should not have been put into this Defense bill, which is necessary for funding our troops. If it is a strong idea, let it stand on its own two feet on the floor of the Senate. Let it be debated. Let it, hopefully, be paid for. But at least let it be amended so those of us who think it should be paid for can propose ideas for paying for it.

Under the bill as it is being handled now, there are no amendments allowed. We have to take this $1 billion of new debt, like it or not, whether we support the program or not. We have to pass a bill which is going to add this $1 billion of additional debt on our children's backs. It is a totally inappropriate way to legislate.

My effort is not to slow down or to stop or to marginalize in any way the funding for our troops—I voted for every troop funding bill that has come through this Congress, and I intend to continue to vote for them—but it is to take out this language, which is inappropriate, to live by the rules the majority leader passed, the assistant majority leader put in place—rule XLIV—to live by the pay-go rules, to not, in the name of addressing a special interest group, spend $1 billion for which we will pass the bill on to our kids and our grandchildren.

Why should our grandchildren have to pay for cars we are going to buy today? Does that make any sense, that for the next 20 years we are going to end up paying these bills? Of course, it does not make sense.

So we should take this language out. It is not going to slow this bill down, not at all. This bill will go back to the House. It will be passed, and it will be sent to the President. It will be an act of fiscal responsibility, and we will be limiting the amount of debt we will be putting on our children's backs, which is the way we should be approaching legislation.

Mr. President, I reserve the remainder of my time.

How much time is there available?

The PRESIDING OFFICER. Sixteen minutes on the Republican side; 10 minutes on the majority side.

Mr. GREGG. Mr. President, how much time does the Senator from Oklahoma wish to have?

Mr. INHOFE. Twelve minutes.

Mr. GREGG. Well, Mr. President, I will reserve the remainder of my time. I see the Senator from Michigan on the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Mr. President, let me communicate that we are talking about a motion to waive less than 1 percent of this bill. It is an emergency bill. It is a supplemental. It is less than 1 percent. In terms of the overall scope of what is before us, it is small. But I can tell you, in small towns and cities all across America, this is a big deal.

We have up to 3 million people who, in some way, work with our automobile industry. We have small businesses all across this country that are looking at this vote. We have had colleagues come to the floor. We have had hearings held, letters, and press releases about helping dealers at this time. This is the moment. This is the moment and the vote as to whether we will do that.

I am very grateful for the chairman of the committee and his graciousness in working with us on this issue and to our leadership.

We know that while this has not come through the regular process in the Senate, in the House it went through the committee. It was reported out of committee. It was passed on the House floor, with 298 votes from Republicans and Democrats. Over two-thirds voted for this.

The reason it has been moved into this emergency supplemental is because it is an emergency, because we are seeing dealers that have been told they are going to have to phase out who have inventory to sell. We are seeing dealers all across America that are seeing sales go down and down and down; and the question is, How long are they going to be able to hold on?

The average dealer hires 53 people in their dealership. These are small businesses. I grew up on a car lot. My dad and my grandfather had a car dealership. I know what this is about for a small town.

When we look at the fact that from January to May every automobile company—for GM, it has been a 41.8-percent reduction in sales; for Toyota, it has been a 39-percent reduction in sales; and there are the reductions in sales for Ford, Chrysler, and Honda. All across the board, these sales are down.

This may not seem like an emergency to people here, but I can tell you, this is an emergency for families and small businesses, for an industry that has been the backbone of our economy for a generation, with up to 3 million people working in this industry. This, in fact, is an emergency and worth our time to put this into this bill as less than 1 percent—less than 1 percent—of the emergency spending that is in front of us.

Every other country with an automobile presence has, in fact, done something to help their industry. Germany found that in the first month, in January, when they put a similar kind of incentive plan in place, they raised sales 21 percent—21 percent at the same time our sales were falling 40 percent.

We have seen similar plans in China, Japan, Korea, Brazil, Great Britain, Spain, France, Italy, Austria, Portugal, Romania, and Slovakia—Mr. President, Slovakia. But the United States has not yet acted on a program that has been effective around the world, when we have so many small businesses right now, literally, whose futures are hanging in the balance.

This is something supported by business and labor, by the U.S. Chamber of Commerce and the National Association of Manufacturers, and, of course, the auto dealers.

I am also very pleased it is now supported by the Sierra Club. We know that, from an environmental standpoint, there is always more we can do. But we know this moves us in the right direction. In terms of the environment, this is a win with every single new car that is sold. Every car or truck sold under this program will be more fuel efficient, will be cleaner than the car or truck it replaces. That is a fact.

This bill will save 133 gallons of gasoline per vehicle per year and reduce greenhouse gas emissions by 1.45 million metric tons.

In 2010, vehicles from model year 1998 or earlier will account for 25 percent of the miles driven but 75 percent of all the tailpipe emissions.

So if we are able to get older vehicles, vehicles that are worth $4,500 or less, off the road—they are scrapped when they are turned in, so they can no longer pollute—and people buy a vehicle that gets 22 miles a gallon or more, or if it is 10 miles per gallon better than their old car, they get a $4,500 voucher. That seems to me to be a step in the right direction.

Is it all it could be? No. It never is here. We work hard. We take one step. We take two steps. We take three steps. But this is certainly a step forward.

This bill is about jobs. This is a bill about jobs. It is about small business. It is about the environment as well. We will see immediate reductions in fuel use, carbon emissions, and air pollution. Our constituents, from the major business organizations to labor and the Sierra Club, are supporting this effort. Not only are carmakers interested in this, as I have said already, but the people who work in the offices, the engineers, the designers, the clerks, the office managers, the salespeople, the mechanics, the car washers, the printers, the advertisers, local newspapers, television, and radio, who all depend on their local dealer. This is a program that has been successful around the world. There has been a tremendous amount of effort that has gone into this.

I thank the bill's sponsor in the House, Congresswoman SUTTON, who introduced the first bill and worked so hard and introduced the bill that was finally passed. I thank all of those who worked together on both sides of the aisle to put together something that passed overwhelmingly in the House. It comes to us now in a bill labeled ''emergency spending.''

This bill goes way beyond just helping the automakers. It would particularly benefit dealers, auto suppliers, State governments, workers, communities, and consumers in every State in the country. I wanted to clarify for the record that this legislation is meant to include dealers in every State in the country. Although, the term ''State'' is used in several definitions of title XIII, I would like to clarify that the CARS legislation is intended to have the same meaning as the term ''State'' defined in 49 USC 32304(a)(14) to ensure coverage of the program in the District of Columbia, Puerto Rico and other U.S. territories, just as it applies to the 50 States.

On behalf of the auto dealers, large and small, across this country, the people who depend upon these businesses, depend upon the making of these automobiles, the selling of these automobiles, I would ask my colleagues to please give us the opportunity for a short-term stimulus. This is a matter of a few months. It is less than 1 percent of this entire bill, which is an important bill for our country and our defense and for our troops. This is a small piece of what is in front of us, but for small businesspeople and Americans working hard every day across this country, it is a big deal and it is a chance to help. I hope we will.

Thank you. I yield the floor.

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

The PRESIDING OFFICER. There is 13 minutes 30 seconds.

Mr. GREGG. And on the other side?

The PRESIDING OFFICER. Two minutes.

Mr. GREGG. Mr. President, I am going to yield to the Senator from Oklahoma, but before I do, I wish to take just 30 seconds to respond quickly to the Senator from Michigan.

The idea that we haven't done anything for the automobile industry is really hard to accept, $83 billion having been spent on the automobile industry. The idea that $1 billion is just a small amount of money is also very hard to accept; $1 billion of new debt is $1 billion that our children are going to have to pay, and it is not a small amount of money, and it compounds. We fly in the face of the procedures which the Democratic leader set up around here to have pay-go and to have the Open and Honest Leadership Act, we fly in the face of that by putting in this bill this special interest piece of legislation, unpaid for, and it is totally inexcusable.

This has nothing to do with funding the troops—nothing. The fact that $1 billion is being spent and not paid for is totally irresponsible. It is debt our children do not need to receive.

At this point, I yield 10 minutes to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask to be made aware when I have 1 minute remaining.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. INHOFE. Mr. President, on June 16, the House passed the bill we have been talking about here. I have concerns that have not been discussed in the last few minutes.

Although the Senate voted 90 to 6 on a bipartisan amendment to prohibit funding for the transfer of Gitmo detainees to the United States, the supplemental appropriations conference report deleted that language. That language came from an amendment that was authored by myself and my good friend from Hawaii, Senator INOUYE, but they stripped that language. The Senate's bipartisan amendment would have effectively prevented the closing of the terrorist detention facility at Gitmo. Since President Obama announced that he intended to close Gitmo, it has become widely circulated that these detainees could be transferred to American prisons for prosecution in U.S. criminal courts and potentially released in the United States.

In February of this year, I led a delegation—I have been there several times—a delegation that had never been down to Gitmo, and they saw the fine treatment the detainees get down there and saw the rooms where torturing supposedly is going on. Not one incident of torture has ever been documented.

After I returned, I introduced S. 370 to prevent the detainees at Gitmo from being relocated anywhere on American soil. Since that time, it has been called to our attention that the administration is talking about maybe 17 locations in the United States to put these terrorists. One of those locations was Fort Sill in my State of Oklahoma. I went down there, and I found out that would not be at all workable. In fact, Sergeant Major Carter, who is in charge of the prison at Fort Sill, said: Why in the world would they close a place like Gitmo? It is the ideal place to keep these people.

Currently, even though they are talking about putting them in supermax prisons, the only supermax facility is located in Florence, CO. According to the Bureau of Prisons, as of May 21, only one bed has not been filled at supermax. Obviously, this isn't going to work. The rated capacity of BOP facilities at the beginning of this month was 13,648 inmates, while the total prison population of those facilities was far more than that—exceeding 20,000.

Despite claims by Senator DURBIN that supermax prisons in the United States are ready to receive detainees, the supermax prisons in the United States are at or above their maximum capacity.

Additionally, the civilian prisons do not meet the same standard as currently exists at Gitmo. In 2002, an entire wing of a jail in Alexandria, VA, was cleared out for the 9/11 ''20th hijacker,'' Zacarias Moussaoui, to be housed in the jail. That was just one detainee. For one detainee, they are talking about clearing out the entire wing. So moving detainees to the United States would not be reasonable.

It would also place America and its citizens at risk in inevitably creating a new set of targets. This is the problem we have. We have 17 places in the United States where we would be putting these people. We have 17 magnets to draw in terrorists located around the country.

Three weeks after I called for President Obama and my Senate colleagues to go see firsthand the facility at Gitmo, Attorney General Eric Holder—he is our new Attorney General appointed by President Obama—went down there, and he came back with a glowing report that the facility is well run by its current military officers. This affirms what I have been saying all along; that is, Gitmo is a state-of-the-art facility that provides humane treatment for all detainees and is fully compliant with the Geneva Conventions.

When the war supplemental came to the floor in the Senate, I was extremely pleased that Democrats and Republicans in the Senate joined together and announced they would not include the $80 million in the war supplemental to close Gitmo. Sadly, this bipartisan initiative has fallen victim to partisan politics without any regard for our national security or the wishes of the American people.

Senator REID, HARRY REID, declared—and I agreed with him—in a press conference after my bipartisan Senate amendment was passed that, ''We will never allow terrorists to be released into the United States.'' I think that is a good statement. I agree with it. He went on to say, ''We don't want them around the United States. I can't make it any clearer than the statement I have given you. We will never allow terrorists to be released in the United States.'' Well, that sounds real good, and I agree with him and I hope he is right. However, the problem is, if you try to try these people in our Federal court system where the rules of evidence are different in terms of admissibility of evidence, many times we would not be able to get a prosecution and they would be turned loose.

Finally, Senator DURBIN said the feeling was at this point that we were defending the unknown, we were being asked to defend a plan that hasn't been announced. Well, I have to say it still hasn't been announced.

Two weeks ago, the Obama administration again went against the will of Congress and the American people by transferring the first Gitmo detainee to the United States for his trial in New York City. This was Ahmed Khalfan Ghailani. This is a guy, if you remember, who is the terrorist responsible for the bombing at the American Embassies in Tanzania and in Kenya. He was later captured in Pakistan in 2004 while working for al-Qaida preparing false documents and facilitating a transport of arms to insurgents across the Afghan and Pakistan border. Intelligence shows that Ghailani met both bin Laden and Khalid Shaikh Mohammed in Afghanistan and remained in close association with al-Qaida until his capture in 2004. Now this bona fide terrorist will have the privilege of a U.S. civilian court trial in the United States. Ahmed Ghailani was just 1 of 239 detainees housed in the state-of-the-art facility at Gitmo.

According to the Wall Street Journal today, a government official has said that well over 50 detainees have been approved for transfer to other countries and that negotiations were continuing with Saudi Arabia to take a large group of Yemen detainees. Attorney General Eric Holder estimated yesterday that more than 50 detainees may end up in trial by U.S. authorities. This news comes as more and more Americans are growing opposed to the closure of Gitmo. In fact, I would have to say this: Recently, we have had more and more polls taken, and it is now about a 3-to-1 ratio that people don't want these people tried in the United States, they don't want to have them housed in the United States.

So we have a very serious problem. Not only are we talking about detainees down there, we are also talking about an increase in the surge in Afghanistan, and even though Afghanistan does have two prisons, they won't take any detainees unless they are Afghans. So if they are from Yemen or from Djibouti, they won't take them. So this is the problem we have right now.

The views of Congress haven't changed. In 2007, the Senate voted 94 to 3 to a nonbinding resolution to block detainees from being transferred to the United States, declaring:

> Detainees housed at Guantanamo should not be released into American society nor should they be transferred stateside into facilities in American communities and neighborhoods.

In 2009, the Senate voted 90 to 6 to again keep detainees out of America.

The views of the American people have not changed. I mentioned the polls. The polls are all conclusive that the American people do not want to have these people turned loose into the United States, which is exactly what could happen.

While the quality of the facility of Gitmo has not changed, it is the only facility of its kind that is currently—it has six levels of security from the different levels of security. It has one doctor for each two detainees, and, as everyone agrees, it is the ideal place.

I might add that this is one of the few good deals we have in government in that it only costs us $4,000 a year. We have had this place since 1903, and it is something we can't get rid of. The only reason I mention this now is because I have the bill that is filed, which is S. 370, that meets the will of the American people.

The PRESIDING OFFICER. The Senator from Oklahoma has 1 minute remaining.

Mr. INHOFE. I thank the Chair.

So this bill I have, S. 370, will give people in this Chamber an opportunity to vote to keep the detainees—to keep the terrorists—out of the United States of America.

I would say this: If there are some people who would be voting for the supplemental as it is right now, at least they would have another opportunity to express their will, as they have expressed on two other occasions, that we don't want the detainees, we don't want the terrorists tried in America or to be detained within the United States of America.

So with this, it is my hope the majority will allow an immediate vote on the bill I have filed, S. 370.

I yield the remainder of my time.

Mr. MCCONNELL. Mr. President, as the Senate takes up legislation today on emergency funding for combat operations in Iraq and Afghanistan, U.S. forces overseas can be reassured by this: unlike some of our previous recent debates, broad bipartisan agreement now exists in support of the proposition that the efforts of our service men and women should be funded and supported.

The supplemental agreement we are considering today includes nearly $80 billion for the Defense Department.

This funding will allow General Odierno and our uniformed men and women in Iraq to preserve the security gains they achieved during the surge, continue the transition to greater Iraqi control and capability, and deny refuge to al-Qaida in Iraq.

These funds will also be used to support a surge of forces in Afghanistan. And to those of us who ignored previous calls for arbitrary withdrawal dates in Iraq, it is particularly encouraging to see that President Obama has accepted the recommendations of General Petraeus for sending additional forces into Afghanistan. Success there isn't assured. Looking ahead, we can expect continued challenges associated with the upcoming Afghan national elections, the need to continue the expansion of the Afghan National Army and Police, and the need to combat corruption within the Afghan ministries. But the President was right to direct a surge of forces, appoint a new commander, and refocus our efforts on a broad counterinsurgency strategy to combat the Taliban.

Republicans support this surge and understand that broad security gains in Afghanistan cannot be achieved without the sustained improvement of the Afghanistan National Army and police forces. But this strategy will also require a sustained effort on the part of the government, the people, and the military forces of Pakistan to deny the Taliban, al-Qaida, and associated groups sanctuary in the tribal areas of Pakistan.

Just 2 months ago, the situation in Pakistan appeared to be so dire that the Secretary of State openly voiced concern that ''the Pakistani government is basically abdicating to the Taliban and to extremists.'' Since that time, the Pakistani military has moved in force into the Swat Valley to combat this threat. Our commitment to helping Pakistan prevail in this fight, which must be conducted as a counterinsurgency if it is to succeed, must be sustained. Fortunately, the supplemental contains funds to allow it.

Another important issue that must be addressed is the effort by some to force the release of photos depicting the alleged mistreatment or mistreatment of detainees in Iraq and Afghanistan. I am afraid that those encouraging the release of these photos fail to appreciate the potential consequences of such a release. The United States has painfully come to learn that al-Qaida and the Taliban are sophisticated communicators who exploit the airwaves and the internet. That is why the concerns expressed by our military commanders over the release of additional photos depicting the alleged mistreatment of detainees were of equal concern to our allies and friends. Iraq, Afghanistan, Pakistan, Egypt, Jordan, Saudi Arabia, and other countries deal each day with the threat of militant radicals. They know how these images can be exploited by terrorist groups, and the bitter consequences that could follow. Senators LIEBERMAN, GRAHAM, and MCCAIN should be commended for making these concerns their own and carrying them to the American people.

Senator GRAHAM noted on the floor yesterday that he believes the President shares the Senate's concerns about the potential dangers of releasing these photos. Last evening we passed legislation that would prevent any additional strategic harm from the release of photographs like these. Now the House must act.

Although Republicans support the President's support in the supplemental for our operations and overall objectives in Iraq and Afghanistan, a bipartisan majority disagree with the President in one important respect—and that is the administration's request for $80 million from Congress for the purpose of closing the detention facility at Guantanamo Bay before the administration even has a place to put the detainees who are housed there, any plan for military commissions, or any articulated plan for indefinite detention or for transferring detainees in a manner that ensures the safety of the American people.

During January of this year, by Executive order, the President established an arbitrary date for closing the detention facility at Guantanamo Bay. In April, the administration submitted its funding request to close Guantanamo as part of this supplemental bill, and the Senate voted 90–6 against including that funding. But it is worth reminding the Senate that the defense budget request for fiscal year 2010 includes a similar funding request, so the Senate will consider this matter again in the near future.

Bipartisan majorities of both Houses and the American people oppose closing Guantanamo without a plan, and several important questions remain unanswered: why was it necessary to bring detainees to the United States for prosecution, rather than using the courtroom at Guantanamo? If these terrorists are found to be not guilty by a civilian court, will they be returned to detention or released? What threat assessments were conducted prior to the recent transfers of detainees to Iraq, Chad, and Saudi Arabia?

The task force established by the President to review the closure of Guantanamo is scheduled to conclude its work in July, so Congress may learn of the administration's plans later this year. But this conference report requires the President to report to the Congress concerning the threat any further detainees who are released or transferred pose to the American people and our service members overseas. This will be of increasing importance as the task force decides the fate of detainees from Yemen.

As I said, Republicans supported the President when he reconsidered his plan to withdraw forces from Iraq. It is our hope that he will show similar openness when it comes to his arbitrary deadline for closing Guantanamo. The Senate has spoken clearly on this issue repeatedly. It is our hope that the administration heeds the wishes of the American people as expressed through their elected representatives when it comes to releasing and transferring dangerous terrorists.

As the arbitrary closure date approaches, we will continue to press this issue forward.

The wars in Iraq and Afghanistan have placed a great strain on our combat forces, the weapons and equipment that they need to succeed and on the training base that helps to keep the force ready. This bill continues the Senate's support for this force, and for the dangerous missions that they undertake on our behalf, and therefore it deserves our support. It is not perfect, but it meets the needs of our commanders in the field. America remains a nation at war. Our forces fighting these wars deserve our support, and the funding in this bill.

Mr. GREGG. Mr. President, I understand the chairman wishes to close, so I will just speak and then yield back the remainder of our time, and so the chairman can make his closing comments.

I just have to reemphasize how much of an afront it is to the process which we set up at the beginning of this Congress to try to have fiscal discipline if we do not support this point of order. This point of order was specifically put in to address this type of situation, where there is an extraneous piece of legislation airdropped into a conference report by one House or the other House, and in this case, it is $1 billion of spending which will go directly to the debt of this country.

We have heard from the Chinese that they are getting worried about buying our debt. They are the ones who are financing us. We have heard from our own experts and economists that the American debt rating, which is AAA-plus, may be at risk. We know we are running up debt at such an extraordinary rate right now—$2 trillion this year, over $1 trillion next year, $1 trillion a year on average for the next 10 years—that our debt is going to double in 5 years and triple in 10 years.

Where do we start to discipline ourselves? Well, one would hope we would start to discipline ourselves with something that so obviously violates the rules we set up here for fiscal discipline. It violates pay-go. It is not paid for, even though the President calls for pay-go.

This is a new program, unpaid for, and it violates the new rule put in under the Openness in Government and Honesty in Leadership Act, authored by Senators REID and DURBIN, and Senator STABENOW was a cosponsor. It said don't put into a conference report things that are extraneous and aren't paid for. Yet this does exactly that. Will it affect the troops in the field? No. This bill will pass now. If this point

of order is sustained, this bill will pass this House and fully fund the troops. Then it will go back to the House of Representatives.

I cannot believe, under any scenario, that the House of Representatives is not going to vote to fund the troops, that they are going to hold the funding of the troops in the field hostage to spending $1 billion and adding new debt on an extraneous program that has to do with buying old cars. Nobody is going to do that. That doesn't even pass the smell test as being credible.

The bill will pass the House and be sent to the President probably before the day is out. That is the way it should be. That is why this point of order was put into place. That is why the Senator from Illinois, working with the Senator from Nevada, the leaders on the other side of the aisle, created this very good and appropriate rule, so things like this could be addressed in a surgical way, so they would not lead to adding $1 billion—in this case—which is a lot of money.

A couple of Members have said it is just a little bit. In New Hampshire, $1 billion will run our State government for a considerable period of time. That is a lot of money. I have never seen it. It is a lot of money.

There is no reason to pass on to these young pages that debt. If we think the cash for clunkers idea is a good one, let's pay for it. There are a lot of places we can find $1 billion in a $2 trillion-plus budget. So let's pay for this. Let's budget effectively. Remember the words of the chairman of the Budget Committee because they are prophetic: The debt is a threat. It is a threat to this Nation.

We have a chance to do a little bit—$1 billion worth, which is a significant amount—to try to address the debt problem by supporting this point of order.

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

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I find it very difficult to be on the opposing side of my dear friend from New Hampshire. There has been a lot of discussion on the premise that conferees did not pay for the cash for clunkers bill.

Technically, that is correct. But I believe my colleague should be advised that under the Congressional Budget Office scoring, the conferees are scored with a savings of $1.47 billion in discretionary spending in this bill.

In title 14 of the bill, the conferees included a provision which mandates that more than $1 billion in discretionary spending in rescissions shall be allocated as savings in the bill not used as an offset.

While the conferees were required to designate the Cash for Clunkers title as an emergency for technical reasons, it is also true that we included a $1 billion offset in discretionary spending which for all practical purposes offsets the spending for Cash for Clunkers.

So while much of the debate about this matter has involved the fact that the conferees didn't pay for this provision, that is not completely accurate.

I ask unanimous consent to have printed in the RECORD the last page from the scorekeeping document of the appropriations committee on the supplemental which shows $1 billion $47 million in savings.

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

FISCAL YEAR 2009 SUPPLEMENTAL CONFERENCE AGREEMENT

[Amounts in thousands]

	Budget Authority			
	Request	House	Senate	Conference
CONGRESSIONAL BUDGET RECAP				
Scorekeeping adjustments:				
O&M, Navy transfer to Coast Guard:				
Defense function	−$129,503			
Overseas deployments and other activities		−$129,503		
Non-defense function	129,503			
Overseas deployments and other activities		129,503		
O&M, Defense-Wide transfer to Department of State:				
Defense function	−30,000			
Overseas deployments and other activities		−30,000		−$30,000
Non-defense function	30,000			
Overseas deployments and other activities		30,000		30,000
Department of State transfer to other accounts:				
Diplomatic and Consular programs	−137,600			
Overseas deployments and other activities		−157,600	−$135,629	−137,600
Other United States department or agency	137,600			
Overseas deployments and other activities		157,600	135,629	137,600
SPR Petroleum Account transfer to SPR account:				
Non-emergency function		−21,586	−21,586	−21,586
Overseas deployment function		21,586		
(Emergency)			21,586	21,586
Dept of Education account transfer to CTAE:				
Non-emergency function				−10,000
(Emergency)				10,000
Less emergency and contingent emergency	1,125,000	−799,836	−2,743,251	−16,168,838
TOTAL, scorekeeping adjustments	1,125,000	−799,836	−2,743,251	−16,168,838
Total (including scorekeeping adjustments)	93,270,120	95,917,135	88,539,868	89,682,711
Amounts in this bill	(92,145,120)	(96,716,971)	(91,283,119)	(105,851,549)
Scorekeeping adjustments	(1,125,000)	(−799,836)	(−2,743,251)	(−16,168,838)
Total mandatory and discretionary	93,270,120	95,917,135	88,539,868	89,682,711
Mandatory				
Discretionary	93,270,120	95,917,135	88,539,868	89,682,711
Overseas Deployments and Other Activities (ODOA)		99,280,821	89,227,551	90,730,504
Fiscal Year 2009 ODOA Cap (S. Con. Res. 13) (Sec. 104(21))		(90,745,000)	(90,745,000)	(90,745,000)
ODOA versus Fiscal Year 2009 ODOA CAP		8,535,821	−1,517,449	−14,496
Discretionary (less ODOA)	93,270,120	−3,363,686	−687,683	−1,047,793

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

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

Disclosure of Congressionally Directed Spending Items

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the statement of managers which accompanies the conference report on H.R. 2346 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

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

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

Under the previous order, the question is on agreeing to the motion to waive all points of order under rule XLIV.

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

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. ENSIGN).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—60

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

NAYS—36

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

NOT VOTING—3

Byrd	Ensign	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 36. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. COCHRAN. 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have had a long conversation with the Republican leader. Senator MCCAIN is going to speak for a while. After that, it is my understanding we will have a vote on passage of the supplemental conference report. The matter to follow that is the tourism bill, which is so important to every State. The managers of this bill are Senators DORGAN and MARTINEZ. What we will do is start with five amendments—Republicans can have three, and we will have two—see if we can work through this bill before we have to do anything procedurally.

This is a heavily bipartisan bill. I don't know if there has been a bill this whole Congress that is more bipartisan. The reason it is bipartisan is tourism is so important.

The Presiding Officer's State ia a beautiful State to go to—Aspen, to Vail, all the many things they have in the national parks. Nevada, people think it is the bright lights of Las Vegas and Reno, and it is, but it is a lot more. People don't realize Nevada is the most mountainous State in the Union, 314 mountain ranges. We have 32 mountains over 11,000 feet high, one 14,000 feet high. Every Senator here could boast about why people should visit their State. I have been to virtually every State in the Union. They are all beautiful. All work promoting tourism.

In our country, we do not promote tourism. We are the only industrialized Nation that does not. Some nonindustrialized nations promote their countries; we don't. We need to have people come here. Since 9/11, the number of people coming to the United States has dropped significantly because of 9/11. They haven't been told it is the safest place in the world to come. People should come here. So this public-private partnership that is in this legislation will have programs set up.

Frankly, it is comparable to what happens in Las Vegas with the Las Vegas business authority. They have done such a remarkable job of bringing people to Las Vegas. This should be done nationwide. I didn't draft the bill, but they did copy a lot that has made Nevada successful.

I hope we can work our way through the amendments and, in the process, do something good for the country. I don't believe there is anyone who wants to deep-six this bill. But I hope people who are offering amendments will offer amendments that are relative and germane. If they don't, they have a right to do that, and we will be happy to take a look at them. I have no concern whether the legal jargon of germaneness may not apply. I would rather not have to file cloture on this bill. Because of the supplemental, I guess there has been a lot of concern by the Republicans, but that should be gone now. I think we have satisfied all their demands on the supplemental. Hopefully, we can move forward with this and a number of nominations.

There will be more votes tonight. Maybe it will only be one more vote, but we will have one vote on passage of the supplemental. Then we will see what we set up for tomorrow and next week.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, here we have a supplemental appropriations conference report, supposedly, ostensibly to fund the wars in Afghanistan and Iraq and to make sure the men and women who are serving have the necessary equipment and wherewithal to pursue those conflicts with the utmost efficiency. It is business as usual in our Nation's Capital. It is business as usual in the Congress of the United States. Instead of legislation to fund our troops and efforts in Iraq and Afghanistan, we have a bill that includes such things as $2 million for freeze-dried platelet and plasma development, $35 million for the FBI to investigate mortgage fraud, predatory lending, financial fraud and market manipulation, $13.2 million for payments to air carriers for participation in the essential air service program.

Of course, one of the most remarkable feats of legerdemain I have seen in my many years here, cash for clunkers. Someone should at least attempt to explain how cash for clunkers has any relation whatsoever to the wars in Afghanistan and Iraq. It bribes Americans to trade in less fuel-efficient vehicles, considered clunkers, despite the fact that the car could have been bought yesterday, for a voucher worth up to $4,500 toward the purchase of a new car that must get at least 18 miles per gallon, at least 18 miles per gallon—18 not 38? It is estimated to cost about $1 billion, but some economists have declared the real cost will be between $3 and $4 billion. I predict it will be a lot closer to $3 to $4 billion than it will be to $1 billion.

A giveaway of this nature will be obviously something that will be irresistible to many.

Here we are considering a supplemental appropriations conference report totaling $105.9 billion, $13 billion less than the President's request, $9 billion more than the House-passed bill, and $14.6 billion above the Senate-passed bill. So what we have done is, we pass a bill over here, they pass a bill over there, and we add to the sum of both. The conference report provides crucial funding for ongoing military, diplomatic, and intelligence operations. It provides emergency funding to strengthen response to the H1N1 influenza outbreak and the borrowing authority for the International Monetary Fund and, as I mentioned, vouchers for consumers to trade in old cars for new, ''old'' meaning as short a time as 1 year.

The majority of the conference report contains urgently needed funding for our troops in Iraq and Afghanistan. In Afghanistan, our military is engaged in an effort that can and must succeed. It also contains important assistance for the Government of Pakistan, including funding for the Pakistan counterinsurgency fund. The provision of this funding should send a message to the people of Pakistan that the United States has made a long-term commitment to stand by their side in the region and at home as they battle domestic insurgents and extremists. However, the conference report also contains billions of dollars in unrequested spending that is largely unjustified and certainly nonemergency.

President Obama's message to the Congress was to keep funding focused

on the needs of our troops and not to use the supplemental to pursue unnecessary spending and to keep earmarks and other extraneous spending out of the legislation. Despite the President's insistence not to include unnecessary spending in the supplemental, the conference report contains a number of earmarks and unrequested congressional program additions.

I am disappointed the majority chose to use the supplemental as a vehicle to add billions in unrequested funding and policy proposals which should have been fully vetted and considered on their own merits, while at the same time stripping out the Senate-passed detainee photo provision offered by Senators LIEBERMAN and GRAHAM. The conference report is also being used by the appropriators as a back door for funding fiscal year 2010 ''base'' requirements.

The House allocations for 2010—commonly referred to as 302(b) allocations—cut defense spending by $3.5 billion and reduced international affairs funding by $3.2 billion. In other words, the sleight of hand of adding nonemergency program funding to supplemental appropriations is becoming all too familiar as a way of skirting fiscal discipline by increasing discretionary spending above congressional discretionary caps outlined in the budget resolution. In other words, we are continuing what was, unfortunately, common in the previous administration. Again, about cash for clunkers, it is remarkable.

On June 16, 2009, Citizens Against Government Waste wrote a letter to all Members of the Senate stating that this provision ''is really another bailout for the auto industry. American taxpayers have already spent $85 billion.''

We now own two automotive companies, we and the unions. Why do we need another bailout for the auto industry?

The ''Cash for Clunkers'' provision has no place in a bill that provides emergency war funds.

I couldn't agree with Citizens Against Government Waste more.

The Wall Street Journal wrote in a June 11, 2009, editorial:

Congress wants to pay you to destroy your car . . . as economic policy, this is dotty. It encourages Americans to needlessly destroy still useful cars and then misallocates scarce resources from another, perhaps more productive, use in order to subsidize replacement. By the same logic, we could revive the housing market by paying everyone to burn down their houses, to collect the insurance money and build new ones . . . The proposal is really intended to help Detroit out of a recession by subsidizing new car purchases . . .

Maybe that is why the president and CEO of the Alliance of Automobile Manufacturers wrote asking all Senators to support this program, as well as the United Auto Workers legislative director, who called this provision ''the single most important step Congress can take right now to assist the auto industry.''

Hasn't Congress done enough for the auto industry? When is $85 billion not enough for the auto industry?

Lastly, this provision is a lemon, according to a June 13, 2009, article from the LA Times that stated:

Critics say the improvements required in the trade—as little as 1 mile per gallon for certain light trucks—

In other words, you trade in your old light truck and buy another one that is 1-mile-per-gallon more fuel efficient. So you can swap one gas guzzler for another.

So for $1 billion, this provision doesn't achieve the environmental goals its authors set forth either. My colleagues, Senators FEINSTEIN and COLLINS, argued such in an opinion piece published in the Wall Street Journal on June 11, 2009, and also wrote that this provision ''being pushed by the auto industry is simply bad policy,'' that it is ''designed to provide Detroit one last windfall in selling off gas guzzlers currently sitting on dealers lots because they're not a smart buy.''

This unrelated provision is an unwise use of taxpayers' hard-earned money and bad environmental policy. It doesn't belong in this bill, and I strongly disagree with its inclusion.

There are a few more earmarks I would like to highlight: $2.2 billion in unrequested funding for eight C–17 Globemaster cargo aircraft. Currently, we have either bought or ordered 30 more C–17 cargo aircraft than is the military requirement. This is not a jobs program, as the backlog of C–17s is so great that Boeing will not begin building these eight aircraft for another 3 to 5 years. While Secretary Gates called the C–17 ''a terrific aircraft,'' he stressed that the military users ''have more than necessary capacity'' for airlift over the next 10 years. These are, again, testimonies to the power of the military industrial congressional complex in Washington, DC.

An unholy alliance between manufacturers, Members of Congress, and lobbyists brings these things about. There is $504 million in unrequested funding for seven C–130 Hercules cargo aircraft. In testimony on May 14, 2009, Secretary Gates said:

We have over 200 C–130s in the Air National Guard that are uncommitted and available for use for any kind of domestic need.

All I know is that I have a great deal of unused capacity in the C–130 fleet.

That is what the Secretary of Defense says. So we are going to spend $504 million more for seven C–130 Hercules cargo aircraft.

There is $3.1 billion in unrequested funding for international affairs operations and programs. The additional funding added by the House majority and agreed to in conference is to offset the $3.2 billion reduction recently made by the Congress to the base budget request.

There is $49 million in unrequested funding for hurricane damage repairs to the Mississippi Army Ammunition Plant. This funding was added even though the Army advised the managers of this bill there are no storm-related repairs required at the plant—so we are going to spend $49 million to repair a plant that does not need to be repaired—and that no valid military requirement exists for the funding.

Mr. President, $186 million is provided above the President's request for lightweight howitzers built in Mississippi for the Marine Corps. The additional funding is not requested in the Future Year Defense Plan, nor was it on the fiscal year 2009 or fiscal year 2010 Marine Corps Unfunded Requirements Lists. In other words, the Marine Corps does not need it. The Department of Defense says it is not needed, but we are going to spend $186 million additionally for howitzers built in the State of Mississippi.

Mr. President, $150 million is included for Air Force A–10 Warthog aircraft wing kits and installations. While Davis Montham Air Force Base is in my State of Arizona and additional wing kits would be welcomed, the additional funds were not requested by the administration, and I oppose this $150 million.

It end runs the Defense Base Realignment and Closure, BRAC, process by prohibiting the Secretary of Defense from carrying out a 2005 BRAC decision to discontinue the Armed Forces Institute of Pathology.

I was very disappointed the House Democrats succeeded in their efforts to strip from the supplemental spending bill the detainee photo provision offered by Senators LIEBERMAN and GRAHAM. This provision, which would support the President's efforts to bar the release of photos of past detainee abuse, would help protect our troops from the inevitable recriminations that these photos would incite. Releasing the photos would not supply new information about the issue of detainee abuse, but, rather, expose evidence of alleged past wrongdoing and put our fighting men and women in greater danger.

That is not my view. It is that of our leading military commanders, including GENs David Petraeus and Ray Odierno. Both of these distinguished military leaders have stated that the release of these images could endanger the lives of U.S. soldiers and make our counterinsurgency efforts in Iraq and Afghanistan more difficult.

That is why I commend the leadership demonstrated by Senators LIEBERMAN and GRAHAM, both of whom have steadfastly demanded that this crucial provision be addressed now by the Congress. Their efforts culminated in the passage, by unanimous consent, of stand-alone legislation that will help prevent the release of these damaging images.

So there are other troubling aspects of detainee policy included in this supplemental bill. Provisions in this bill attempt to address detainee policy in a

piecemeal way that fails to constitute a comprehensive plan for what to do with detainees at Guantanamo and those terrorist suspects captured off the battlefield in Afghanistan.

It does not include the $80 million requested by President Obama to close Guantanamo. This is a serious rebuke by Congress and reflects a bipartisan backlash against the idea of announcing a date for the closure of Guantanamo while failing to provide a plan for what comes next.

Mr. President, I ask unanimous consent that the fiscal year 2009 supplemental earmarks and unrequested congressional add-ons be printed in the RECORD.

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

FY 2009 SUPPLEMENTAL EARMARKS AND UNREQUESTED CONGRESSIONAL ADDS

$2.2 billion not requested by the President for 8 Air Force C–17 aircraft.

$1 billion not requested by the President nor included in the Senate or House-passed bills for vouchers of $3,500 or $4,500 to be applied toward the purchase or lease of a new fuel efficient automobile or truck.

$504 million not requested by the President for 7 Air Force C–130 aircraft.

$439 million not requested by the President for barrier island restoration in Mississippi.

$150 million not requested by the President for Air Force A–10 aircraft wing kits and installations.

$150 million not requested by the President for Army Stryker vehicles.

$117 million above the President's request for Lightweight Howitzers built in Mississippi.

$100 million above the President's request for UH–1Y and AH–1Z helicopters.

$94 million above the President's request for Defense Education Agency programs.

$61 million not requested by the President for Link 16 aircraft communications equipment.

$49 million not requested by the President for an Army ammunition plant in Mississippi.

$26.7 million not requested by the President for the Navy's Saber Focus program.

$20 million not requested by the President for additional Air Force Reserve flying hours.

$20 million above the President's request for Navy expenses related to countering piracy.

$17.9 million above the President's request for Marine Corps Manned Reconnaissance Systems.

$15.9 million not requested by the President for Army tethered surveillance balloons.

$15.5 million not requested by the President for the Air Force's Project Liberty program.

$4 million not requested by the President for a Vision Center of Excellence in Maryland.

$2.2 million not requested by the President for Afghan intelligence and surveillance infrastructure.

$1.2 billion in Foreign Military Financing (FMF) not requested by the President to offset the $3.2 billion reduction made by the Congress to the President's FY 2010 base budget request. The increase is to pre-fund 2010 base budget requirements for Israel, Egypt, Jordan, Mexico and Lebanon.

$404 million in Diplomatic and Consular program funding not requested by the President to offset the $3.2 billion reduction made by the Congress to the President's FY 2010 base budget request.

$135 million in Peacekeeping Operations (PKO) funding not requested by the President to offset the $3.2 billion reduction made by the Congress to the President's FY 2010 base budget request.

$150 million in Global Health and Child Survival funding not requested by the President.

$700 million for a new Pakistan Counterinsurgency Capability Fund not requested by the President. Funds are not needed in 2009 because the conference report provides the DoD $400 million for the same purposes in 2009. Funding is intended to pre-fund FY 2010 programs.

$400 million in international food assistance not requested by the President.

$98 million in International Narcotics and Law Enforcement funding not requested by the President to offset the $3.2 billion reduction made by the Congress to the President's FY 2010 base budget request.

$57 million in Migration and Refugee assistance funding not requested by the President.

$23 million in Embassy Security, Construction and Maintenance funding not requested by the President.

$40 million in Disaster Assistance funding not requested by the President.

$2 million not requested by the President for Freeze Dried Platelet and Plasma Development.

$40 million not requested by the Administration for the Economic Development Administration to provide grants under Trade Adjustment Assistance to communities and firms adversely impacted by trade.

$60 million not requested by the Administration for the Department of Justice for detention costs due to increased enforcement activities along the US-Mexico border.

$10 million not requested by the Administration for the U.S. Marshals Service for enhanced judicial security in districts along the southwest border, the apprehension of criminals who have fled to Mexico, and to upgrade surveillance equipment used to monitor drug cartels and violent gang members.

$35 million not requested by the Administration for the FBI to investigate mortgage fraud, predatory lending, financial fraud and market manipulation.

$20 million not requested by the Administration for the DEA to expand its Sensitive Investigation Unit program in Mexico.

$10 million above Administration's request for the ATF for upgrade technology for ballistics evidence sharing with Mexico and Project Gunrunner firearms trafficking activities along the Southwest border.

$10 million not requested by the Administration to meet increased workloads resulting from immigration cases and other law enforcement initiatives.

$8 million not requested by the Administration for the necessary expenses of the Financial Crisis Inquiry Commission established in the Fraud Enforcement and Recovery Act of 2009.

$10 million not requested by the Administration for necessary expenses for investigations of securities fraud.

$46.2 million not requested by the Administration for salaries and expenses, including the care, treatment and transportation of unaccompanied alien children and border security issues on the Southwest border of the U.S.

$5 million not requested by the Administration to respond to border security issues on the Southwest border of the United States.

$66.8 million not requested by the Administration for the care, treatment and transportation of unaccompanied alien children and border security issues on the Southwest border.

$139.5 million not requested by the Administration for expenses to support Operation Iraqi Freedom and Operation Enduring Freedom for the operation and maintenance of vessels, law enforcement detachments, port security units and salaries for the Coast Guard Reserve on active duty.

$30 million not requested by the Administration for Operation Stonegarden to assist State and local law enforcement agencies which may be impacted by the increased violence in Mexico and to help prevent its spillover into the U.S.

$2 million for the Congressional Budget Office not requested by the Administration for salaries and expenses.

$13.2 million not requested by the Administration for payments to air carriers for participation in the essential air service program.

Mr. MCCAIN. So in what the American people believed was a time of change, the American people now should know that it is business as usual. A combination of lobbyists, industry campaign contributions, unnecessary spending continues completely out of control. This was a piece of legislation that was supposed to fund the wars in Iraq and Afghanistan. So now we add billions of dollars for things such as cash for clunkers, unneeded and unnecessary and unwanted military equipment that is made in the home States of certain powerful Members of Congress.

It is not good. Sooner or later, the American people will demand that it comes to an end.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from California.

Mrs. BOXER. Madam President, I wish to be heard briefly.

We heard Senator MCCAIN attack this bill that is before us that primarily funds two wars, takes care of our wounded warriors, invests in new hospitals for them to be treated for their brain injuries, helps them with their childcare, and essentially starts us on the path of bringing our troops home from Iraq—something President Obama promised to do—and changes our focus in Afghanistan, which has been very scattered, and focuses us on routing out the Taliban, who make it possible for al-Qaida to thrive. So this bill protects the American people.

I have been very clear, I have said I want to see our Afghanistan policy work. I said I am going to give it this year for that to happen, and I hope it does happen. Because we were attacked by al-Qaida. We were attacked by Osama bin Laden. We were attacked because al-Qaida had sanctuary in Afghanistan. And instead of going into Afghanistan, the way we should have, we shortchanged that mission that I voted for and turned around and went into Iraq. We had President Bush, with his constant focus on Iraq, lead us to a very dark period—very dark period—in our history, where we lost thousands of our soldiers, thousands more were

wounded—and you all know the story of the torture and all the rest that accompanied this—and led us to a place where America has lost its standing in the world.

This President inherited two wars. Yes, he is trying to end one and refocus another. He inherited the worst recession since the Great Depression. I call it the ''Great Recession.'' And he also had to cope with threats from North Korea, Iran, from pirates on the open seas, instability in Pakistan. And then, on top of it all, he is facing, and we are facing, a health threat from the swine flu, the H1N1 virus. So he comes to us with an emergency spending bill.

Do I like everything in this bill? I do not. This is about a compromise. I do not like everything in this bill. But to tear down the attempt of what we are trying to do here, which is to begin moving our troops out of Iraq, refocus our effort in Afghanistan, focus on the wounded warriors, focus on global AIDS reduction, focus on the world recession—that is another thing we are doing. I think it has to be done. I would much rather do it all in the normal budget process. That is why President Obama has said this is the last war supplemental we will have. I compliment him on that. President Bush sent supplemental requests to Congress year after year after year. This President says this is the last time, and I take him at his word.

I think it is important, instead of being so terribly negative, to at least give a balanced overview. Many of the funds in the bill for Afghanistan will go to help the women and the children of Afghanistan. It is very hard for me to understand how anyone could oppose that. We have women who have acid thrown in their face if they do not obey their husband or they take off a face covering. We have children being stoned—girls—on their way to school. It seems to me that we ought to give it a chance before we leave these women high and dry. I, for one, cannot do that.

Again, I have said we have to do this right, and we have to do it quickly. Because I am not going to give my vote to an open checkbook for another war. But I believe this administration gets it and I believe they are training the troops in Afghanistan and I believe they are working to build a civil society there. Because, at the end of the day, we cannot be the policemen of the world. We have to make sure the people we are helping want to be helped and want to run their own societies. That is our hope in Iraq, finally. That is our hope in Afghanistan.

As I look around and I look around the world and I look around this country and I see the pain and suffering in this country—this recession—we have to understand we are in a global economy. That is why the President wanted those IMF funds: So we can avert a depression out there in the world.

There are peacekeeping funds in this bill. Anyone who is following what is happening in Africa—whether it is Darfur or the Democratic Republic of Congo or other places—understands the brutality that is going on. We need to help end the brutality, particularly—and I know my colleague in the chair knows this—the brutality against the women, where in these countries rape is used as a tool of war and rape is used as a tool of ethnic cleansing. We cannot allow that to happen. It is an obligation we have as the leader of the free world.

I guess I wish to say to my colleague from Arizona, I totally understand his frustration with spending. I have to tell him, this Democratic Congress is going to wrap its arms around spending. We did it before under President Clinton. We had horrible deficits that President Clinton inherited from the other George Bush, and we got our act in order. We had pay as you go. We are going to do that with this President.

But let me tell you, this President has been in office for five months, January through June, and we have averted economic disaster and we have a foreign policy on the right track. There was an election in Lebanon where the Lebanese people elected a pro-Western government. We have other things happening around the world today that indicate people hear now. In very high-tech ways, they are learning that freedom is valuable. But it does not come to us free.

Yes, I do not like everything in this bill. I could go through my list too. Because each one of us would write a different bill. But I will tell you what I like less, the loss of jobs, the threat of the swine flu, the threat of AIDS, the threat of world instability, the spread of weapons.

So I say, we should vote for this bill, as flawed as it is, sending a clear message to our President that we agree with him, but that this should be the last war supplemental. Let's do these things on budget. Let's go back to pay-go. Let's wrap our arms around fiscal responsibility, the way we did in the 1990s.

Let me remind my colleagues on the other side of the aisle, who are ranting and raving about deficits, under their President we had the most outrageous deficits, the most outrageous debt. We Democrats, under Bill Clinton, got a balanced budget in place, and we had a surplus—not a deficit, we had a surplus—and we had the debt going down. It was going to be eliminated. Then George Bush came in. He started this war in Iraq—a war with an open checkbook, no end in sight, no checks and balances on it, and tax breaks to the people who earn $1 million or more. It drove us into the ground. That is what brought us to this January, when our new President took all this on his shoulders and shared the burden with the Democratic Congress. I think we have averted the worst of it. We have a long way to go. I think this supplemental will help us get the rest of the way. Coming at us is pay as you go. Coming at us is fiscal responsibility. Coming at us is a challenge. We are going to have to make those difficult choices. That is one of the reasons we want to take care of health care and energy because, at the end of the day, those will help our economy.

The challenges are great. There is plenty of stuff in this bill I don't like, but I think, overall, this bill moves us in the right direction, in terms of helping our men and women in uniform, helping our national security, helping our public health, helping the global recession, and moving us toward a better day.

So I will support this bill. I thank you very much, Madam Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

JUNETEENTH INDEPENDENCE DAY

Mr. BURRIS. Madam President, next month, the Fourth of July, this Nation will pause to remember the moment when we asserted our independence and declared ourselves free from tyranny. It is a day all Americans hold dear, and rightly so.

But on the 19th of this month, which will be tomorrow, many in this country observe another independence day. It echoes the ideals laid down in that first declaration. It celebrates liberation from a more oppressive tyranny. It marks a ''new birth of freedom'' for the slaves who had been excluded from the promise of the American dream.

That is why I have submitted this Senate resolution observing the historical significance of that day—Juneteenth Independence Day.

Slavery officially ended in the Confederate States of America when President Lincoln signed the Emancipation Proclamation on January 1, 1863. But many slaves did not learn of their freedom until much later.

Finally, on June 19, 1865, more than 2 years after the Emancipation Proclamation, Union soldiers led by Major General Gordon Granger arrived in Galveston, TX. They brought news that must have been almost unbelievable to all who heard it—especially those who had known no existence outside of bondage. The Civil War was over, they announced, and all slaves were free.

From that day on, former slaves in the Southwest celebrated June 19 as the anniversary of their emancipation.

Over the past 144 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom. But this date has come to hold even greater significance.

Throughout the world, Juneteenth celebrations lift up the spirit of freedom and rail against the forces of oppression.

At long last, Juneteenth is beginning to be recognized as both a national event and a global celebration. The end of slavery marked a major step towards achieving equal rights for every American, regardless of race, creed or color.

Just as the Fourth of July marks the beginning of a journey that continues even today, we must not forget that the long march to freedom that started on June 19 is far from over.

Our progress along this path and our progress as a Nation can be measured in many ways, but none so dramatic as the popular election of an African American to the Presidency of the United States.

America has come a long way since that first Juneteenth, and yet we have a long way still to go.

Juneteenth should be a day of reflection—a day to remember those who came before, who fought and suffered and died. But it should also be a day of action; a day for all of us to stand together and hold up the liberties we hold so dear; a day to look ahead to the future, to continue the fight for freedom and equality; a day to think of our children as much as our forefathers.

Together, we must ensure that our sons and daughters know an America that is even more free, more fair, and more equal than the America we live in today.

When we leave this place, let us share in the joy of those who greeted General Granger's arrival into Galveston on that fine June day more than 140 years ago. And let us stand with our forefathers to continue this journey in our own lives.

Madam President, I urge my colleagues to join with me in supporting this resolution observing the historical significance of Juneteenth Independence Day.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I ask unanimous consent, on behalf of the leader, that no further points of order be in order during the pendency of the conference report to accompany H.R. 2346, and that at 4:40 p.m. the Senate proceed to vote on adoption of the conference report, with the time until then equally divided and controlled in the usual form. That is the consent request, which would have been offered earlier but a Senator had the floor so it was not. The hour of 4:40 having arrived, it is now the time specified for commencement of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. ENSIGN).

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

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—91

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

NAYS—5

Coburn	Enzi	Sanders
DeMint	Feingold	

NOT VOTING—3

Byrd	Ensign	Kennedy

The conference report was agreed to.

Mrs. LINCOLN. Madam President, I move to reconsider the vote.

Mr. UDALL of Colorado. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mr. BROWN. Madam President, I ask unanimous consent to speak in morning business.

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

HEALTH CARE REFORM

Mr. BROWN. Madam President, as Members of the Senate and the House tackle health reform, two overriding objectives have become apparent. We must bring down cost and we must expand access, while allowing people who are happy with their health care to stay in the plan they are in now. Fix what is broken; preserve what works. Perhaps nowhere are these needs more obvious than the area of biopharmaceuticals or so-called biologics. Biologics are the fastest growing segment of prescription drug spending. With costs to biologics ranging anywhere from $10,000 to $200,000 per patient per year, biologic treatments pose a significant financial challenge for patients, for insurance companies, for employers who are paying the bills, and for Federal and State governments that are also paying the bills. Let me give examples.

If you suffer from an inflammatory condition such as rheumatoid arthritis or psoriasis or Crohn's disease, you probably would be prescribed Enbrel or Humira or Remicade. These biologics cost about $14,000 a year, more than $1,000 a month. Do you know what that does to an individual's pocketbook, an insurer or taxpayer? If you are diagnosed with multiple sclerosis—as 200 Americans are per week, some 30 Americans every day—you would probably be prescribed an interferon like Avonex, Betaseron, or Rebif, at a cost of $19,000 per year. If you need Zevalin to treat lymphoma, which strikes nearly 75,000 Americans every year, it costs up to $30,000 for a full round of treatment.

When other prescription drugs go off patent, after they have had patent protections for many years, there is a process at the Food and Drug Administration for approving lower cost generic versions. So you will see, when you go to a drugstore, many drugs which now are off patent. They have provided good profits for the developer, the drug company, but they are now off patent. So there could be generic competition in many of the drugs we use. That has worked to keep the price down and to bring competition to the industry. But no such process for biologics exists, no allowance of a generic substitute to compete with the biologic.

As it stands, biologic manufacturers are in the envious position of having a permanent monopoly. No one can compete with them. Even after their patent has expired, FDA, under law, cannot legally approve competing products because of a gap in FDA law. At this point the only thing that stands in the way of establishing a generic approval process for biologics is the political muscle of the biologics industry. Here is what the industry tells us. They don't want any kind of approval process for generic biologics. They don't want competition. They want to continue to charge $14,000 if you have Crohn's disease, $19,000 if you have MS, and $30,000 per round of treatment for the 75,000 Americans who have lymphoma.

If we do establish such a process, they want to render it useless by granting biologics the equivalent of a permanent patent extension. Maybe you

give them 12 years. After 12 years, you allow a generic, unless they slightly change a molecule or a process and you get another 12 years and another 12 years and another 12 years. So in addition to 20 years worth of patent protection, they want 12 years of market exclusivity which has the exact same effect as patent protection. When FDA grants a drug market exclusivity, it means that FDA will not approve any generic version of that drug, period.

After the first 12 years of market exclusivity is over, the biologics industry wants to slightly modify their product, and they get another 12 years of market exclusivity. And if they slightly modify the product again, they want another 12 years and another. In other words, they want no generic competition.

We have generic competition in all kinds of drugs that are very well known, but there is no provision for any kind of generic competition for these biologics. The Federal Trade Commission, the government agency with no skin in the game, with no belief that one product is better than another, with no ties to the drug industry, with no ties to anybody, issued a report asserting that the biologics industry gets plenty of marketplace protection through patents and they should not be afforded even 1 day of market exclusivity, much less 12 or 24 or 36 years.

AARP recently reported that the top 10 biologics recoup their R&D investment after 2 years of sales. The industry claims they need decades sometimes to recoup their investment. But the AARP doesn't make this stuff up. Biologics manufacturers, even though AARP said they only need 2 years of sales to recoup their investment, are given more time than that so they can make a healthy profit. Yet biologics manufacturers are asking for 20 years of patent protection, coupled with 12 more years of market exclusivity; again, renewed over and over. That is the way they like it. The biologics industry wants us to go home and tell constituents with arthritis or respiratory illness, hemophilia, cancer, or multiple sclerosis, numerous other conditions now treated by biologics, if they are lucky, in 24 or 36 years they will have access to treatments that are more affordable.

If we care about patients and fiscal responsibility, we will not allow the biologics industry to bully us into giving them more marketplace protection than any other industry. But it will take the personal will of Members from both sides of the aisle to overcome the biologic industry's clout.

Some Members of this body have already taken a stand. I was proud to join Senator SCHUMER, Senator COLLINS, Senator VITTER, and Senator BINGAMAN—Democrats and Republicans—to introduce legislation that would close the gap on FDA law that prevents generic versions of biologics from being approved. This legislation is a compromise. It would provide 5 years of market exclusivity—remember, they already have patent protection—the same as that provided to other prescription drugs. Then they would be eligible for an additional 3 years of market exclusivity for beneficial changes to their products and even more exclusivity if they conduct pediatric tests on their product. This tiered approach, which I hope to include as part of the health care reform bill moving through the HELP Committee, would provide needed competition, long-term savings, and an opportunity for consumers to have safe, effective, and affordable medical treatments.

I credit the manufacturers and the scientists and thank them, the medical researchers, for this. They provide great promise and hope to those suffering from devastating diseases and chronic illness. But absent price competition, countless Americans will be unable to benefit from these medicines because they are too expensive. We are talking about tens of thousands of dollars a year just for this drug treatment, this biologic treatment, let alone all the other doctors' bills and medicine they would need.

I hope when my colleagues are lobbied by the biologics industry—and they are spending millions of dollars on this because it means hundreds of millions of dollars in more profits for them—I hope when my colleagues are lobbied by the biologics industry, they will remember 12 plus 12 plus 12. It simply does not work for us. The American patients, American businesses, and American taxpayers cannot afford to wait 12 or 24 or 36 years for affordable biologics. Frankly, we should not make them wait.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

IN HONOR OF JOE CONNAUGHTON

Mr. KAUFMAN. Madam President, I have spoken here a few times already about Federal employees and the great work they perform. I am honored to be in a position to come here and do it again. I enjoy sharing stories in this Chamber about excellent public servants.

These stories are only but a few pieces in the vivid mosaic of our Federal workforce. The stories are exemplary, not exceptional. These are regular people doing a great job.

The real story of our Federal employees—that of their dedication, their talents, and their important contributions—needs to be told.

Service in government is characterized by sacrifice. Many of our Federal employees wear a uniform and sacrifice on the battlefield. Others work in civilian jobs but still make great sacrifices by working long hours and foregoing opportunities in the private sector, such as substantially better pay and bonuses. Their bonus, as I have said before, is the satisfaction of having served their country.

Today I wish to speak about a man who risked his life during wartime and then spent nearly three decades working as a civilian engineer for the U.S. Army Missile Command.

Joe Connaughton, a native of Tuscaloosa, AL, had already distinguished himself during the Second World War. He served as a navigator and bombardier on 47 missions in both the European and Pacific theaters. Joe was decorated with three air medals and four battle stars, and his unit received the Croix de Guerre for support provided to the French Expeditionary Force during the Allied offensive in Italy.

After returning home, Joe took advantage of the GI bill to pursue a bachelor of science degree in chemical engineering from the University of Alabama. He began working for the U.S. Army Missile Command near Huntsville in the late 1950s.

For 27 years, Joe worked for the Army Missile Command's Research, Development, and Engineering Division at Redstone Arsenal. He and his engineering team helped develop and perfect weapons systems critical to maintaining our military edge during the Cold War. This included the Lance, Hellfire, and THAAD missile propulsion systems.

When Joe and his colleagues were working on the Hellfire missile, which is carried primarily by the Apache attack helicopter, there was a problem when the TV-based guidance system encountered difficulties in smoke and bad weather. A missile whose own propulsion method gives off a smoke plume cannot be accurately directed if the smoke hinders its guidance system. The engineering team on which Joe worked developed a smokeless propellant, which greatly enhanced the missile's accuracy.

For this achievement, Joe and his team earned the Army Missile Command's Scientific and Engineering Award in 1980.

When the Hellfire entered service in 1984, it was intended for use against Soviet tanks in a future Cold War conflict. But with the collapse of communism in Europe just a few years later, some began to doubt whether its development—and that of similar systems—was worth the cost.

However, with the laser guidance and missile propulsion system developed by the civilian engineers at Redstone Arsenal, the Hellfire proved its worth during Operation Desert Storm in 1991.

In that conflict, the Army and Marine Corps used the Hellfire to disable the Iraqi air defenses in its initial strike, quickly gaining air supremacy. Apache helicopters launched Hellfire missiles against a myriad of targets,

demonstrating the usefulness and effectiveness of this new weapon.

This guided missile system, perfected in Alabama by Joe and other Federal employees, helped spare civilian lives in Iraq and ensured a rapid coalition victory. They continue to play a major role today, as Predator drones carry Hellfire missiles on missions over Afghanistan.

Our military depends on countless civilian engineers just like Joe. Without their hard work and important contributions, we could not maintain the military strength we have today. They are all—every one of them—Government workers, and they work on bases and in research facilities throughout the country, including at Redstone Arsenal in Huntsville.

These men and women wake up each day and go to work knowing that they directly participate in keeping America safe. The technologies they develop remain at the forefront of our fight against al-Qaida and other extremist groups.

We must never forget that they, along with the rest of our civilian government employees, enable the military to do its job.

Some give their lives for our country. Others give their lives to it. All of them demonstrate this greatest hallmark of patriotism; which is sacrifice.

Joe could have made more money in the private sector. Doubtless, he could have moved from the Army Missile Command to work for a private military contractor, the same people he worked with on a daily basis in developing these systems. But he didn't. His priority was making a contribution, not making money.

In some ways, we have lost sight of this sense of purpose, which is the engine of our American spirit. I am greatly encouraged that President Obama has called for a new generation to take up the torch of public service through careers in government. He has called on us, once again, to make sacrifices in order to ensure the future safety and prosperity of this country we all love so dearly.

Our Federal employees, like Joe, feel a sense of duty to serve this great Nation. It is what sustained him—a 20-year-old airman from Alabama—over Italy, France, Yugoslavia, China and Japan. It is what sustained him as an engineer when he returned home to Alabama and worked to build America's defenses. It is love of country. It is service above self.

Joe embodies this spirit, and I know he has passed it on to the next generation. I can see it firsthand, because his son, Jeff, is my chief of staff—a great Federal employee and a great person.

Families across America will gather this Sunday to mark Father's Day and to celebrate the important bond between fathers and their children. On this occasion I am reminded of my own father—who spent most of his career as a government employee—and the important lessons he taught me about the value of public service.

I also think about fathers throughout America who have chosen—along with so many mothers—to dedicate their careers to serving the public. They are powerful role models, not only for their own daughters and sons, but for all young Americans who want a chance to shape this country's future.

I hope all my colleagues will join me in honoring the sacrifices and the achievements of all our Federal employees.

I want to wish Joe a happy Father's Day, and I extend the same well wishes to fathers across the country, and especially to those serving overseas or with a loved one serving overseas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

IRAN

Mr. KAUFMAN. Mr. President, Senator KYL and I will join in introducing a resolution concerning freedom of the press, freedom of speech, and freedom of expression in Iran.

In the past week, the flow of information in and out of Iran has been suppressed. Voices in Iran have been silenced, and the international right to freedom of expression has been restricted, especially in the press.

I support Iran's sovereignty and deeply respect the will of the Iranian people. While Iran has enthusiastically embraced elections, the long road to democracy does not end there. It also includes fundamental freedoms, such as freedom of expression, which is protected under the International Covenant on Civil and Political Rights.

In 1976, Iran was one of the first countries to ratify this U.N. treaty which also protects the right to hold opinions without interference and the right to receive and impart information in writing, print, or through any other media.

Our resolution supports the Iranian people as they take steps to peacefully express their opinions and aspirations and seek access to means of communication and the news. It expresses respect for the sovereignty, proud history, and rich culture of the Iranian people, and recognizes the universal values of freedom of speech and freedom of the press.

As President Obama said earlier this week:

> The democratic process—free speech [and] the ability of people to peacefully dissent . . . are universal values and need to be respected.

This is the case not just in Iran but anywhere in the world.

Since the Iranian presidential election on June 12, there have been increased restrictions on freedom of the press in Iran and limitations on the free flow of information. Newspapers and news services have been censored, access for journalists has been restricted, and specific media outlets have been blocked. Foreign journalists have had their press credentials canceled and videos confiscated. They have been confined to their hotels and told their visas would not be renewed. Bureaus of foreign press agencies in Tehran have been closed, and others have been instructed to suspend all their Farsi-language news.

For Iranian journalists, the stakes have been even higher. Numerous Iranian journalists have been detained, imprisoned, assaulted, and intimidated since the elections on June 12. Journalists have been instructed to file stories solely from their offices, which has limited their ability to provide timely and accurate news. There has also been interference with international broadcasting in Iran, whether through the jamming of radio transmissions or blockage of satellite signals.

Shortwave and medium-wave transmissions from the Farsi-language Radio Free Europe/Radio Liberty's Radio Farda have been partially jammed, and satellite broadcasts, including those of the Voice of America's Persian News Network and the British Broadcasting Corporation, have also been intermittently blocked as well. These services are widely popular in Iran, serving as a vital source of communication and entertainment, and attempts to thwart such broadcasts are shameful.

Efforts to suppress the free flow of information have not focused on the media alone. Blogs and social networking sites have been targeted as well, including popular Web sites such as Facebook and Twitter. Short message service in Iran has been blocked—preventing text message communications and jamming Internet sites that utilize such services—and cell phone service has been partially shut down.

These restrictions have prevented the free flow of information and precluded Iranian citizens from communicating with each other. Some Iranians have circumvented these restrictions through proxy Web sites and third-party carriers, and the Internet has served, at times, as the only outlet for communication within Iran and with the rest of the world.

This resolution reinforces the universal values of freedom of speech and freedom of the press. It supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations. It condemns the detainment, the imprisonment, and the intimidation of all journalists in Iran and throughout the world.

As President Obama said Tuesday:

To those people who put so much hope and energy and optimism into the political process, I would say to them that the world is watching and inspired by their participation, regardless of what the ultimate outcome of the election was.

This resolution is not about the election in Iran. Rather, it is about the fundamental right to free speech, free press, and free expression of the Iranian people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

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

TRAVEL PROMOTION ACT

Mr. DORGAN. Mr. President, the business of the Senate, now that we have had the final vote on the supplemental here in the Senate, will be the Travel Promotion Act. That is a piece of legislation that is widely bipartisan. We have passed it by unanimous consent through the Senate Commerce Committee and brought it to the floor of the Senate with very substantial Republican and Democratic support. I am an original author of the legislation called the Travel Promotion Act, but a good many Republicans are cosponsors and colleagues on the Democratic side are as well. It should not be controversial. Yet getting that bill to the floor of the Senate required the filing of a cloture motion, which means, just on the motion to proceed, we had to wait 2 days and then have a vote on whether we could actually proceed to the motion to proceed to the legislation itself. That passed, I believe, 90 to 6. Then we had 30 hours postcloture.

We have been in a waiting position to try to determine can we get to this bill. Let me make the point that this is a piece of legislation that is almost unique, in the sense that, No. 1, it is very bipartisan and, No. 2, the Congressional Budget Office says it is going to reduce the Federal budget deficit.

Let me say that again. The Congressional Budget Office says this legislation will actually reduce the Federal budget deficit by very close to $500 million over 10 years. There ought not be substantial controversy about this legislation.

What we are working on and have been working on for some hours is to try to determine how we get, now, on the bill and agree on amendments. We have had lists back and forth of what amendments might or might not be offered. We have not been able at this point to agree on the list. We are not asking for a finite list, just a list on how to begin. There have been so many amendments that have been proposed that have nothing at all to do with the legislation, so we are working back and forth. It appears we are not going to be able to reach agreement on a list of how we begin with these amendments this evening, but my hope remains that perhaps tomorrow we will be able to have some kind of agreement on a list that would allow us to proceed to the Travel Promotion Act.

Let me mention briefly that this legislation is not controversial. Travel promotion means that our country would begin to address a problem. What is that problem? The fact is, we have many fewer visitors from abroad to this country, in terms of international tourism, which is very job creating, strongly supportive of economic growth because international tourists spend a lot of money. On average I believe they spend somewhere around $4,500 per trip when they come to this country, for hotels and car rentals and airplanes and tourist attractions and so on. It is very job creating.

The fact is, we have far fewer tourists coming to this country from abroad than we had in the year 2000. That is a very serious problem; we have fallen substantially behind other countries that are aggressively marketing their countries for destination by international travelers. Italy, France, Great Britain, Spain, Australia—the list goes on and on of countries that say come to our country, travel here, visit here, be part of the experience in our country. Our country is not involved in that. It is as if there is a competition and we are not competing.

We put together a piece of legislation that would create and promote international destination travel to our country because it will surely create jobs and certainly be beneficial to our economy. As I said, it has wide support throughout the industry, throughout this Chamber, with Republicans and Democrats, and it actually reduces the Federal budget deficit. It is pretty hard to find a piece of legislation such as that.

Despite all that broad support and the fact it passed out of the Commerce Committee unanimously, we are having trouble getting it to the floor in a way that has amendments offered and in the regular order we consider this legislation.

As of tonight we are not able to reach an agreement on a list, but I remain hopeful. As we continue to exchange and have discussions about beginning this process and agreeing to amendments that can be debated, my hope remains that perhaps tomorrow we will be able to agree to such a list.

I believe others will have additional comments tomorrow as these discussions continue. My hope is we will be successful.

I have a number of unanimous consent requests I wish to offer.

MORNING BUSINESS

Mr. DORGAN. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each.

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

PARLIAMENTARY ELECTIONS IN ALBANIA

Mr. CARDIN. Mr. President, I am proud to cosponsor S. Res. 182, recognizing the democratic accomplishments of the people of Albania and expressing the hope that the parliamentary elections on June 28 maintain and improve the transparency and fairness of democracy in Albania. I urge my colleagues to join me in supporting this resolution.

As Chairman of the Helsinki Commission, I am aware of what Albania has accomplished since its first multiparty elections in 1991, but I also know what a struggle it has been. Albania was under a ruthless and isolationist communist regime for decades. While not part of the former Yugoslavia, it was also impacted by the conflicts in neighboring and nearby Balkan countries in the 1990s, which was a setback for the entire region.

The promise of NATO membership did much to encourage progress in Albania in recent years. While problems relating to the rule of law and fight against corruption persisted, we supported Albania's NATO membership with the understanding that reforms will continue. The State Department in particular emphasized that other NATO members continued the reform process after joining the Alliance. That is our hope for Albania as well.

This resolution more actively expresses our hope as well as expectation that Albania live up to international standards it has accepted, in particular as they relate to the holding of elections. There are concerns about these elections, especially in regard to new voter identification cards and their distribution in time to allow citizens to vote. Even if Election Day does go smoothly, it is unfortunate that there was a delay in preparations—which causes confusion, frustration and suspicion among the Albanian electorate.

Albania is a good friend of the United States, and by passing this resolution we are investing in that relationship to make it grow. We want Albania to succeed, and this resolution will hopefully encourage Albania to hold successful elections on June 28. I believe the resolution is balanced, raising concern while noting progress and clearly favoring no particular political party. While those currently in power may have the additional responsibilities that come with governance, all parties have a role to play in order to make these elections meet international standards.

HONORING OUR ARMED FORCES

STAFF SERGEANT EDMOND LO

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army SSG Edmond Lo of Salem, NH.

Tragically, on June 13, 2009, this brave 23-year-old gave his life for this Nation when an improvised explosive device detonated while his explosive ordnance disposal team courageously worked to neutralize the threat near Samarra City, Iraq. At the time of this hostile action, Sergeant Lo, a member of the 797th Ordnance Company based at Fort Hood, TX, was serving his second tour in Iraq in support of Operation Iraqi Freedom.

Edmond demonstrated a willingness and dedication to serve his country from an early age. A 2004 graduate of Salem High School, Edmond was a member of the Air Force Junior ROTC Program and commander of the drill team, color guard, and operations squadron. He was well known and liked by his teachers and fellow students and earned himself a full scholarship to a top engineering school upon graduation. However, sensing a call to duty, and because of his desire to protect his country, Edmond instead chose to join the Army.

Just as many of America's heroes have taken up arms in the face of dire threats, Edmond dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but his sacrifice will live on forever among the many dedicated heroes this Nation has sent abroad to defend our Nation's freedom.

A beloved member of the Salem community, Edmond was respected and admired by all those around him. As a loyal member of the U.S. Army, he continually performed above and beyond all expectations. Because of Edmond's efforts, our liberty is more secure.

Kathy's and my thoughts, condolences, and prayers go out to Edmond's parents, David and Rosa Lo, his brothers and sisters, and his other family members and many friends who have suffered this most grievous loss. All will sorely miss Edmond Lo, a true patriot who was proud of his family, proud of where he lived, and proud of what he did. In the words of Daniel Webster—may his remembrance be as long lasting as the land he honored. God bless Edmond Lo.

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

CELEBRATING WEST VIRGINIA DAY

• Mr. ROCKEFELLER. Mr. President, I rise to recognize that 146 years ago today, West Virginia became the 35th State to join the Union. The only State to have seceded from a Confederate State, West Virginia's birthday shines as an anniversary which commemorates the spirit, perseverance, optimism, and hard work of its people.

West Virginia is unique in countless ways; and her history is just the beginning. For almost 200 years, West Virginians have played a significant role in the development and advancement of our nation. From the Battle of Philippi in Barbour County, which was the first organized land battle of the Civil War, to John Brown's historic raid on the Arsenal in Harpers Ferry, we recognize the role our State has played in the making of America's history.

The only State to lie entirely within the borders of Appalachia, we remain incredibly diverse; our geography, population, and heritage are what have lead to our identity as the ''Wild and Wonderful'' State. From the renowned Greenbrier Hotel and Resort in White Sulphur Springs, to the New River Gorge in Fayetteville, which houses the longest steel-arch bridge in the United States, it is no wonder that we draw tourists here from all over the globe.

But it is not the many historical sites or beautiful landscapes that capture the fortitude of West Virginia, but rather, her people—people who continue to inspire with pride and honor, and overcome challenges with a resolve like no other.

Early last month, flash flooding devastated families throughout southern West Virginia, damaging at least 1,500 homes with the worst flooding the area has seen for quite some time. The humanitarian response within the State has been profoundly moving; with people traveling hours to donate their time and energy to assist their fellow West Virginians, and some 300 National Guard troops posted in the area—proving that goodwill is alive and well in West Virginia. Seeing this outpouring, I was reminded of serious flooding in our State when I was Governor. I opened National Guard armories to house displaced families but none showed up—because their neighbors had taken them in. That is a shining example of our Mountaineer spirit.

In addition to serving the people of our State, the West Virginia National Guard is committed to global security, with 38 active units serving around the world, including in Afghanistan and Kosovo. Our State motto, ''Mountaineers are always free,'' can be found resonating not only in all corners of the Mountain State but across the globe. And it is a motto that West Virginians have stood up for time and again—as our State's veterans are among the bravest, most selfless, and most devoted in the entire Nation.

West Virginians have the amazing ability to make sure our culture—which we are so proud of—is also part of our future. Ours is a State wrapped in age-old traditions, but also a State with a readiness to adapt to its younger generations; a veritable melting pot of both old and new world. The Ramp Eating Capitol of the World is found in Richwood, where international crowds gathered in April for the annual Ramp Eating Contest to delight in this West Virginia favorite. And artists across our State are finding more innovative ways to market our cultural heritage, from Blenko Glass and amazing woodwork, to folk-art, quilts and Appalachian music.

Our schools, colleges and universities have inspired some of the best and brightest young leaders. West Virginia University and Marshall University have produced some of the greatest minds in some of the toughest fields worldwide, and have played an integral role in supporting the communities they inhabit. The Promise Scholarship, which pays instate collegiate tuition fees for those high school graduates with qualifying academic records, has helped thousands of students afford college since its inception. Thanks to this measure, admission to institutions of higher education in West Virginia has steadily increased, drawing students from across the Nation to study subjects such as biometrics, forensics, and defense.

Native West Virginians often joke that telephone calls placed to God are local, as our State is ''almost'' heaven. We love and are so proud of our awe-inspiring scenery and our towering mountains, and we can't wait to show them off to anyone who visits. And what those visitors also find when they come to our beautiful State is a population well-versed in humility and good-nature. It is indeed the people who pay the greatest tribute to our Mountain State, and it is my honor and privilege today to wish you on their behalf, the happiest of birthdays, West Virginia.•

INDIRECT LAND USE

Mr. JOHANNS. Mr. President, I rise today to discuss a lingering issue that could have serious detrimental effects on our nation's ethanol industry.

The Energy Independence and Security Act of 2007 increased the renewable fuels standard—commonly known as the RFS—to 36 billion gallons annually of ethanol and other biofuels by 2022.

I support the RFS . . . Always have. The RFS simply means more domestic energy production, less imported oil from unfriendly nations, and more jobs in rural America—both on and off the farm.

The 2007 law requires EPA to come up with new rules to determine greenhouse gas emissions throughout the lifecycle of renewable fuels. Simply put, EPA must calculate how much greenhouse gas is emitted from the time the seed is produced to the time drivers use the fuel in their cars, with every step in between. These steps include production, transportation, distribution, and blending, just to name a few.

Under the 2007 law, renewable fuels must emit anywhere from 20–60 percent fewer greenhouse gases than petroleum.

Unfortunately, when calculating lifecycle greenhouse gas emissions, EPA has included theoretical indirect land use changes.

As the theory goes, increased production of biofuels leads to more grain being used for biofuels and less being exported to foreign markets. Allegedly, this decrease in exports means additional grain production is required in other parts of the world, creating increased cultivation in those areas. Proponents of this way of thinking say forests in other parts of the world are being converted to crops to substitute for the missing U.S. grain.

However, that is all it is, an unsubstantiated theory, an argument that just doesn't hold water. Pure bunk.

As an example, in 2004, over 10,000 square miles of the Amazon was deforested. In 2008—the peak year for ethanol production to date—that number dropped to under 5,000 square miles. How is that possible?

Due to significant technological advances and ever-increasing efficiency, the American farmer continues to meet the demand for food, feed, and biofuel. For instance, in 1980, the average corn yield per acre in this country was 91 bushels. Last year, it was 153.9 bushels—a 70-percent increase in productivity.

In fact, this spring, American farmers will use almost exactly the same amount of acres for corn production as they did 30 years ago—about 85 million acres. Yet the productivity advances mean we will likely harvest roughly 6 billion bushels more corn on the exact same amount of land.

The soybean industry can tell a similar story. In 1980, American farmers produced just under 1.8 billion total bushels of soybeans on 69.5 million acres. In 2007—almost 30 years later—they produced almost 2.7 billion bushels on 64.7 million acres. That is a production increase of nearly a billion bushels, on 5 million fewer acres.

So the facts seem clear. Even as the production of biofuels increases, deforestation rates have been cut in half just in the last 5 years.

Clearly, no reliable or accepted model for measuring indirect land use change exists. Projection models for indirect land use are based on assumptions about how landowners made choices about what to do with their land. And unless the EPA has recently hired mind-readers, they might as well be playing pin the tail on the donkey.

Calculating emissions from indirect land use changes is such an inexact science; it is really no science at all. There is literally no way to know if what you come up with is accurate.

Our farmers and ethanol producers should not be held responsible for land use decisions made half way around the world, especially when they are based on untested and unreliable assumptions.

Just last year, the President's own Interior Secretary, Ken Salazar—then a sitting U.S. Senator—signed a letter to EPA stating that EPA's calculations pertaining to indirect land use are based on ''incomplete science and inaccurate assumptions.''

For all these reasons, today I sent a letter to EPA Administrator Lisa Jackson requesting a 120-day extension of the deadline for the public comment period on the RFS. EPA needs adequate time to hear from impacted industries and organizations about the potentially devastating effects of these untested, unreliable indirect land use calculations. I hope the EPA will give serious consideration to my request.

Additionally, I am cosponsoring S. 943 and S. 1148, both bills that would remove indirect land use assumptions from the renewable fuel standard. Doing so does not in any way impact emissions reductions requirements. The requirements remain intact and the same goals can be reached. These bills will simply remove a very untested, incomplete, assumption-based factor from the equation.

And while the environmental benefits of ethanol have been well-documented, the RFS was enacted to increase our energy security and decrease our dependence on foreign oil. Right now, over 60 percent of our oil is imported from other countries. Much of it comes from countries that, put very simply, don't like us very much. We have to take steps to become less reliant on these nations for our energy needs and more reliant on ourselves, and the RFS does that.

For example, the production and use of 9 billion gallons of ethanol in 2008 displaced the need for over 320 million barrels of oil. This is the equivalent of eliminating oil imports from Venezuela for 10 months. Put another way, it represents the equivalent of 33 days' worth of oil imports. Those are not insignificant numbers.

An expanded ethanol industry has yielded another very important result: rural economic development. Using my home state of Nebraska as an example, ethanol has clearly benefitted many rural communities.

Almost 10 years ago, as Governor of Nebraska, I supported several initiatives to incentivize what was then a relatively small ethanol industry. Well, today Nebraska is the Nation's second largest ethanol producer.

Nebraska currently has 20 operational ethanol plants, with a combined production capacity of over 1.3 billion gallons of ethanol each year. These plants represent more than $1.4 billion in capital investment and provide direct employment for roughly 1,000 Nebraskans.

Energy security, economic development, environmental improvement, these issues are all connected. And ethanol and our Nation's farmers have contributed to each in a positive way.

As elected officials we should support the biofuels industry, not undermine it. Basing our energy policy on some unsubstantiated theory regarding indirect land use is the wrong approach.

With the passage of the RFS, Congress asked farmers and biofuel producers to significantly expand and increase their production levels. Let's not pull the rug out from under them with unwise policies.

I am proud to cosponsor S. 943 and S. 1148 and encourage my colleagues to do the same.

ADDITIONAL STATEMENTS

COMMENDING SALVATORE ''TORRE'' M. MERINGOLO

● Mr. CARDIN. Mr. President, today I pay special tribute to the outstanding accomplishments of Salvatore M. Meringolo, vice president for development at St. Mary's College since 1997.

Mr. Meringolo leaves a remarkable record of accomplishment at St. Mary's College. He was hired 15 years ago as director of the library and information services and directed a comprehensive modernization effort that encompassed library partnerships with the University of Maryland System and raised $2 million for the library's endowment.

During his tenure as vice president for development, St. Mary's endowment has grown from less than $5 million to more than $24 million. Moreover, Mr. Meringolo pursued Federal funding strategies that have yielded more than $6 million for programs such as St. Mary's River Project and campus IT networking infrastructure.

For the past 3 years, Mr. Meringolo has served as secretary to the Board of Trustees. I had the honor of serving on the board from 1988–1999. He has provided staff support to the board's development, governance, and executive committees.

Mr. Meringolo often represents the college in the local community, having served as vice president of the Patuxent Partnership, as a member of the Navy Alliance, and the college's representative to the Economic Development Commission of St. Mary's County.

When the college and Historic St. Mary's City joined forces to create the $65 million Maryland Heritage Project, Mr. Meringolo worked to ensure a compelling and timely application. The facilities of St. Mary's College were reshaped over the last decade as a result of the Maryland Heritage Project.

The challenge presented by St. Mary's small-scale and modest resources was largely overcome by the talents of this very thoughtful and experienced individual. The college has experienced enormous growth in the last 15 years and much of that growth can be attributed to Mr. Meringolo's leadership.

I ask my colleagues to join me in applauding the many accomplishments of Torre Meringolo and in wishing him success in his future endeavors.●

COMMENDING JANE MARGARET O'BRIEN

● Mr. CARDIN. Mr. President, today I pay special tribute to the outstanding accomplishments of Jane Margaret O'Brien, Ph.D. president of St. Mary's College since 1996. I was a member of the St. Mary's Board of Trustees and have known Maggie for many years. I have the utmost respect for her and what she has been able to accomplish at St. Mary's during her tenure.

During her 13 years as president, the College has distinguished itself as a premier honors college that excels at scholarship, research, creative thinking, community engagement, and an appreciation and commitment to world issues, cultures, and communities.

Dr. O'Brien provided critical guidance to the development of the college's external relations and fundraising efforts during its transition to the Honors College Curriculum. Fundraising during Dr. O'Brien's tenure has profoundly reshaped the college's scholarships, professorships, lecture and learning series, arts, athletic, and community programs.

I will provide two examples of Dr. O'Brien's wonderful legacy. The Center for the Study of Democracy, an advisory board on which I have had the pleasure of serving since 2002, was established with a $2 million National Endowment for the Humanities—NEH—grant and challenge matches. The center is a leading programmatic initiative between the college and neighboring Historic St. Mary's City. This relationship continues to flourish with the opportunity for students to serve as Maryland Heritage Scholars and for faculty from the college and the city to serve as Maryland Heritage Fellows.

The Centre for Medieval and Renaissance Studies, where Dr. O'Brien will continue her work for St. Mary's, was founded in 1975 for two purposes: to establish in Oxford a permanent institute for the interdisciplinary study of the Middle Ages and Renaissance, and to provide academic training for overseas students who wish to study at Oxford.

I ask my colleagues to join me in applauding Maggie O'Brien for her stellar leadership at St. Mary's College and in wishing her success in her continuing work on behalf of this unique institution.●

125TH ANNIVERSARY OF PARK RIVER, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I wish today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 2–5, 2009, the residents of Park River will gather to celebrate their community's history and founding.

The town of Park River was founded in 1884. It was named for its location on the Park River. The river itself was named by pioneer fur trader Alexander Henry, to note the corrals or parks that the Assiniboine Indians had built by the river to herd wild animals.

Park River's town motto, ''Park River, The Town with a Heart,'' truly captures the essence of the community where people are always willing to lend a helping hand. The town's all volunteer ambulance service, the Walsh County EMS, operates 24 hours a day and demonstrates the town's willingness to help each other out.

Today, the town's economy is mostly agricultural based, but also does focus on incorporating businesses in the technology and health care sector. Park River's health care industry is epitomized by its state-of-the-art hospital, First Care Health Center. This center has been providing quality medical care for the past 55 years to the residents of Park River and those in surrounding communities.

To celebrate their 125th anniversary, the people of Park River have planned a number of events including a polka fest, talent show, fireworks, road rally, an all class reunion, an American Legion baseball reunion game, and a parade that will be held on July 4th.

Mr. President, I ask the Senate to join me in congratulating Park River, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Park River and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Park River that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Park River has a proud past and a bright future.●

125TH ANNIVERSARY OF CANDO, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On July 2–5, the residents of Cando will gather to celebrate their community's history and founding.

Founded in 1884, Cando was designated the county seat for Towner County and named for the ''Can Do'' spirit of the pioneers. That spirit is still visible in this active community, where hunting, fishing, camping, and bird-watching are all popular activities. In fact, ducks are so common to the area that Cando is known as the duck capital of North Dakota.

This active community, located in north-central North Dakota, is home to two museums, a golf course, bowling alley, and many thriving businesses.

In honor of Cando's 125th anniversary, town officials have organized activities including a golf tournament, street dance, folk dance, parade, potluck, tractor pull, and variety show.

Mr. President, I ask the Senate to join me in congratulating Cando, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Cando and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Cando that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Cando has a proud past and a bright future.●

COMMENDING LARRY G. ROBERTSON

● Mr. PRYOR. Mr. President, today, I honor the service of a great Arkansan. Captain Larry G. Robertson will retire at the end of this month after proudly serving in the Arkansas State Police for 32 years, providing protection and assistance to Arkansans across the State.

Captain Robertson's record of accomplishment spans three decades. He began his law enforcement career in 1973 as Star City, AR, chief of police before he was commissioned on January 17, 1977, as a state trooper assigned to the highway patrol division, troop E headquartered in Dumas, AR. Robertson distinguished himself in the line of duty and worked his way up the promotion ladder quickly from the rank of sergeant, to lieutenant, and finally, in 1999, to the rank of captain, highway patrol commander, troop F, the largest geographical troop in the State covering nine counties in southeast Arkansas.

Under Captain Robertson's leadership as troop F commander, his troopers consistently led the State in DWI arrests and other activities despite having fewer personnel than most other troops. His dedication to keeping his fellow Arkansans safe extended beyond the highway patrol division. During his 30 years of service, he led the Arkansas motor vehicle inspection team and served as a sniper and later commander of troop E special response team.

Captain Robertson retires from the Arkansas State Police on June 30, 2009. His commitment to excellence sets an example for not only his fellow law enforcement officers, for whom he is a mentor and friend, but also for those in the civilian community he worked diligently to protect. Although he will be missed in the line of duty, I wish him continued success in his retirement and thank him for his service to our great State of Arkansas.●

100TH ANNIVERSARY OF McLAUGHLIN, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize McLaughlin, SD. Founded in 1909, the city of McLaughlin will celebrate its 100th anniversary this year.

Named after MAJ James McLaughlin, the city of McLaughlin is located in Corson County. McLaughlin possesses the strong sense of community that makes South Dakota a great place to work and live. Throughout its

rich history, McLaughlin has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of McLaughlin has much to be proud of and I am confident that McLaughlin's success will continue well into the future.

I would like to offer my congratulations to the citizens of McLaughlin on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13159 OF JUNE 21, 2000, WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 24

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation, is to continue beyond June 21, 2009.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *June 18, 2009.*

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–2043. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the E-2D Advanced Hawkeye Program; to the Committee on Armed Services.

EC–2044. A communication from the Senior Counsel for Regulatory Affairs, Office of Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TARP Standards for Compensation and Corporate Governance; Interim Final Rule'' (RIN1505-AC09) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2045. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Activities at San Nicolas Island, California'' received in the Office of the President of the Senate on June 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2046. A communication from the Inspector General of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the audit of the financial statements of the Federal Trade Commission (FTC) for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC–2047. A communication from the Office Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Consideration of Aircraft Impacts for New Nuclear Power Reactors'' (RIN3150-AI19) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Energy and Natural Resources.

EC–2048. A communication from the Director of Regulatory Management, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities'' (RIN2050-AG49) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Environment and Public Works.

EC–2049. A communication from the Director of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2009'' (RIN3150-AI52) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Environment and Public Works.

EC–2050. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Plug-in Electric Vehicle Credit'' (Notice 2009-54) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Finance.

EC–2051. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds'' (Notice 2009-50) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Finance.

EC–2052. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's Annual Railroad Unemployment Insurance System Report; to the Committee on Health, Education, Labor, and Pensions.

EC–2053. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2054. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2055. A communication from the Acting Senior Procurement Executive, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005-33; Introduction'' (FAR Case 2009-0001, Sequence 4) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2056. A communication from the President of the United States, informing the Senate of the removal of the Inspector General of the Corporation for National and Community Service, effective 30 days from June 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2057. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmits, pursuant to law, a report relative to the best practices in reducing the use of illicit drugs by chronic hardcore drug users; to the Committee on the Judiciary.

EC–2058. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, the report of a vacancy in the position of Special Counsel in the Office of the Special Counsel; to the Committee on the Judiciary.

EC–2059. A communication from the Staff Director, U.S. Commission on Civil Rights,

transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the New Hampshire Advisory Committee; to the Committee on the Judiciary.

EC–2060. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EC–2061. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offering of United States Savings Bonds, Series I'' (31 CFR Part 359) received in the Office of the President of the Senate on June 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2062. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalty Inflation Adjustment'' (12 CFR Part 747) received in the Office of the Senate on June 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2063. 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 ''Procedures for Treating Intercompany Transactions on a Separate Entity Basis Under Treas. Reg. Section 1.1502-13(E)(3)'' (Rev. Proc. 2009–31) received in the Office of the President of the Senate on June 17, 2009; to the Committee on Finance.

EC–2064. 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 ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice No. 2009–56) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2065. A communication from the Acting Administrator, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2066. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of the Fiscal Year 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–2067. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 6C for Fiscal Years 2005 through 2008, as of March 31, 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–2068. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation relative to the Department of Veterans Affairs major facility construction projects and major facility leases for Fiscal Year 2010; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–49. A joint resolution adopted by the Legislature of the State of Maine urging the President, the Secretary of Energy, and Congress to review national policy on used nuclear fuel; to the Committee on Energy and Natural Resources.

JOINT RESOLUTION

Whereas, nuclear utility ratepayers have committed more than $31,000,000,000 in fees and interest, as mandated under the federal Nuclear Waste Policy Act of 1982, for the purpose of establishing a permanent repository for storage of used nuclear fuel from commercial reactors and defense-related high-level radioactive waste; and

Whereas, the ratepayers of Maine Yankee, Maine's former nuclear power facility, now decommissioned, paid $65,500,000 into the federal Nuclear Waste Fund for nuclear fuel used after the Nuclear Waste Policy Act was enacted in 1982 and are continuing to make payments into the Spent Nuclear Fuel Disposal Trust Fund to fund a $185,000,000 obligation for the disposal of spent nuclear fuel used prior to 1983; and

Whereas, the United States Government failed to begin accepting commercial used fuel by 1998 as required by the Nuclear Waste Policy Act of 1982 and by contracts with used fuel owners, and only in 2008 did the United States Department of Energy finally submit an application to the federal Nuclear Regulatory Commission to construct a permanent used fuel repository; and

Whereas, the expected funding levels for the permanent fuel disposal program in the fiscal year 2009 federal budgets and statements by the Federal Government concerning the fiscal year 2010 federal budgets point to continuing chronic delays for the Yucca Mountain repository, if not the outright termination of the project; and

Whereas, the Federal Government's failure to meet its 1998 statutory and legal obligations to accept used fuel has led to the Federal Government's being found in partial breach of the contracts with nuclear utility owners, leading to federal taxpayer payments to the utilities of about $1,000,000,000 thus far; and

Whereas, in light of the Federal Government's failure to meet its responsibility, the commercial nuclear industry has embraced an integrated nuclear fuel management program incorporating:

1. Continued safe and secure storage of used fuel at commercial plant sites;

2. Development of 2 Nuclear Regulatory Commission-licensed private or government-owned centralized interim storage facilities in communities that would host such facilities voluntarily;

3. Continued public and private sector efforts on research, development and deployment of technologies to recycle used fuel in a safe, environmentally responsible, proliferation-resistant and commercially viable way; and

4. Continued review of the permanent repository license application by the Nuclear Regulatory Commission and continued policymaker engagement to ensure the safety and security of whatever facilities or sites ultimately are chosen for permanent disposal of the by-products of the once-through or close nuclear fuel cycle; and

Whereas, several prominent national state officials' organizations, the National Conference of State Legislatures, the National Association of Regulatory Utility Commissioners and the American Legislative Exchange Council, have all endorsed immediate establishment of centralized Nuclear Regulatory Commission-licensed interim fuel storage facilities in voluntary host communities and continued research on the recycling of fuel and other advanced fuel management technologies: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request the United States Government to protect nuclear utility ratepayers by immediately reducing the fee that sustains and overfunds the Nuclear Waste Fund to a level that will cover only the costs incurred by the Department of Energy, Nuclear Regulatory Commission and local Nevada government units that provide oversight of the permanent used fuel repository program; and be it further

Resolved, That We, your Memorialists, also respectfully urge the United States Government to immediately enact legislation expediting the establishment of 2 Nuclear Regulatory Commission-licensed, private or government-owned interim storage facilities for used commercial nuclear fuel, with community incentives funded by the Nuclear Waste Fund, and requiring the Department of Energy to take possession of, safely transport and store used fuel at these facilities by leasing space at these facilities, and giving first priority to moving fuel from decommissioned plants; and be it further

Resolved, That We, your Memorialists, also respectfully urge the United States Government to enact legislation creating an independent panel of esteemed public policy, scientific, environmental, engineering and affected community leaders that would be charged with conducting a long-term strategic assessment of the Nation's used fuel and defense waste management practices and developing specific recommendations on how to proceed in the future while interim storage facilities are being developed; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the United States Secretary of Energy, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–50. A resolution adopted by the Senate of the General Assembly of the State of Tennessee urging the President and Congress to oppose legislation relative to the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 26

Whereas, the right to private elections is the cornerstone of American democracy; and

Whereas, private ballot elections are the most democratic way to determine employees' wishes and guarantee an outcome unaffected by outside pressures; and

Whereas, federally supervised elections conducted by the National Labor Relations Board have been the accepted law governing union recognition campaigns for sixty years, providing detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without peer pressure or coercion from unions or employers; and

Whereas, limiting union recognition to signing authorization cards (''card check'') in the presence of union officials, coworkers, and employers does not reflect the unbiased will of employees; and

Whereas, in recent years, the vast majority of businesses targeted by union organizing campaigns have been small businesses with fifty or fewer employees; and

Whereas, small businesses are more likely to be held captive at the will of union organizing efforts, as they have less resources for the lengthy legal process of union recognition campaigns; and

Whereas, efforts to eliminate private elections are an attack on the free speech rights of business and workers' individual rights; and

Whereas, compulsory binding arbitration, which would force employers to accept the terms of a first contract if the employer and the union cannot agree, is fundamentally unconstitutional, and will dramatically undermine the ability of any employer to negotiate; and

Whereas, compulsory arbitration discourages the parties from offering compromises in bargaining for fear that they may prejudice their position in arbitration: Now, therefore, be it

Resolved by the Senate of the One Hundred Sixth General Assembly of the State of Tennessee, That the General Assembly and the people of the State of Tennessee oppose proposals seeking to eliminate the private election phase of union recognition campaigns and implement compulsory binding arbitration on employers. Be it further

Resolved, that the Senate and the people of the State of Tennessee support democracy in the workplace by maintaining every worker's right to privately decide whether or not to allow a particular union to represent their interests. Be it further

Resolved, that the Senate urges the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years.

POM–51. A resolution adopted by the City Council of Port Townsend, Washington urging state and federal elected officials to suspend expanded Border Patrol activity until the utility, legality, and constitutionality of the expansion can be determined by Congress; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NELSON, of Nebraska, from the Committee on Appropriations, without amendment:

S. 1294. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–29).

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2010'' (Rept. No. 111–30).

By Mr. REID (for Mr. BYRD), from the Committee on Appropriations, without amendment:

S. 1298. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–31).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Gordon S. Heddell, of the District of Columbia, to be Inspector General, Department of Defense.

*Zachary J. Lemnios, of Massachusetts, to be Director of Defense Research and Engineering.

*Jamie Michael Morin, of Michigan, to be an Assistant Secretary of the Air Force.

Air Force nomination of Col. James J. Carroll, to be Brigadier General.

Air Force nomination of Maj. Gen. William T. Lord, to be Lieutenant General.

Air Force nominations beginning with Brigadier General James W. Kwiatkowski and ending with Colonel Wayne A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 2009.

Air Force nomination of Gen. Carrol H. Chandler, to be General.

Air Force nominations beginning with Colonel Steven J. Arquiette and ending with Colonel Kenneth S. Wilsbach, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009. (minus 2 nominees: Colonel Howard B. Baker; Colonel Kenneth J. Moran)

Air Force nomination of Maj. Gen. Gilmary M. Hostage III, to be Lieutenant General.

Air Force nomination of Lt. Gen. Glenn F. Spears, to be Lieutenant General.

Air Force nomination of Brig. Gen. Douglas J. Robb, to be Major General.

Army nomination of Maj. Gen. Dennis L. Via, to be Lieutenant General.

Army nominations beginning with Brigadier General Harold G. Bunch and ending with Colonel James T. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 2009.

Army nomination of Lt. Gen. David M. Rodriguez, to be Lieutenant General.

Army nomination of Maj. Gen. Robert W. Cone, to be Lieutenant General.

Navy nominations beginning with Rear Adm. (lh) Kathleen M. Dussault and ending with Rear Adm. (lh) Mark F. Heinrich, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2009.

Navy nomination of Rear Adm. (lh) Janice M. Hamby, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Steven R. Eastburg, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Thomas P. Meek, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Joseph F. Campbell and ending with Rear Adm. (lh) John C. Orzalli, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2009.

Navy nominations beginning with Rear Adm. (lh) Townsend G. Alexander and ending with Rear Adm. (lh) Edward G. Winters III, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2009.

Navy nomination of Rear Adm. (lh) Michael W. Broadway, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Sean F. Crean, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Patrick E. McGrath and ending with Rear Adm. (lh) Michael M. Shatynski, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2009.

Navy nomination of Capt. Ron J. MacLaren, to be Rear Admiral (lower half).

Navy nomination of Capt. Robin L. Graf, to be Rear Admiral (lower half).

Navy nomination of Capt. David G. Russell, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Kurt L. Kunkel and ending with Capt. Jonathan A. Yuen, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2009.

Navy nominations beginning with Capt. Katherine L. Gregory and ending with Capt. Kevin R. Slates, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2009.

Navy nomination of Vice Adm. Ann E. Rondeau, to be Vice Admiral.

Navy nomination of Rear Adm. Joseph D. Kernan, to be Vice Admiral.

Marine Corps nomination of Lt. Gen. Richard C. Zilmer, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Stephen R. Dasuta and ending with Beth M. Dittmer, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Air Force nomination of Thomas J. Sobieski, to be Colonel.

Air Force nominations beginning with John E. Blair and ending with Peter T. Tran, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Air Force nomination of Joshua D. Rosen, to be Major.

Air Force nominations beginning with Mark W. Anderson and ending with Steven W. Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Air Force nomination of Jeffrey A. Lewis, to be Colonel.

Army nominations beginning with Christopher L. Arnheiter and ending with James W. Turonis, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Army nominations beginning with Bret T. Ackermann and ending with D060652, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Army nominations beginning with Kindall L. Jones and ending with William J. Novak, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Sharon E. Blondeau and ending with Karen D. Chambers, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Rebecca D. Lange and ending with Robert Santiago, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Walter A. Behnert and ending with Zachariah P. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Arthur R. Baker and ending with Anita M. Yearley, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Dennis C. Ayer and ending with Jeffrey O. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Michael C. Oguinn and ending with Tracy L. Smith, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Larry D. Bartholomew and ending with Kenneth A. Wade, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Dawn B. Barrowman and ending with Reba J. Mueller, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Lauren J. Alukonis and ending with Lucy D. Walker, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Peter H. Guevara and ending with Matthew A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Richard Caner and ending with Charles W. White, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Michael J. Beaulieu and ending with James A. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nomination of Stuart W. Smythe, Jr., to be Colonel.

Army nomination of Edward P. Naessens, to be Colonel.

Army nomination of Donald R. Anderson, to be Colonel.

Army nomination of Sandra M. Keavey, to be Major.

Army nomination of Thamius J. Morgan, to be Major.

Army nominations beginning with Constance Rosser and ending with Avery E. Davis, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Army nominations beginning with Norma G. Sandow and ending with Paul J. Sinquefield, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Army nominations beginning with Charles W. Hipp and ending with Anita M. Kimbroughjacob, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Army nominations beginning with Daniel E. Banks and ending with Rick A. Shacket, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Army nominations beginning with Carlton L. Day and ending with Mark W. Weiss, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Navy nominations beginning with Paul V. Acquavella and ending with David M. Tully, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Clemia Anderson, Jr. and ending with Richard C. Valentine, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Joseph R. Brenner, Jr. and ending with Greg A. Ulses, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with John G. Bischeri and ending with Todd J. Squire, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Jeffrey A. Bender and ending with David H. Waterman, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Robert J. Allen and ending with Edward B. Zellem, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Mickey S. Batson and ending with Frank A. Shaul, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Angela D. Albergottie and ending with Michael L. Thrall, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Michael E. Beaulieu and ending with Gregory A. Munning, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Scott F. Adley and ending with Patrick W. Smith, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Michael A. Ballou and ending with Stephen F. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Ann M. Burkhardt and ending with Jacklyn D. Webb, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Heidi C. Agle and ending with Thomas A. Zwolfer, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nomination of James F. Elizares, to be Captain.

Navy nomination of Stacy R. Stewart, to be Captain.

Navy nominations beginning with Stephen E. Maronick and ending with Tamara A.L. Shelton, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Daniel T. Bates and ending with Gary P. Kirchner, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Gary R. Barron and ending with Michael M. Normile, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Joseph R. Davila and ending with John M. Tarpey, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Marcia R. Flatau and ending with Linnea J. Sommerweddington, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Steven W. Harris and ending with George L. Snider, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Paul C. Burnette and ending with Stephen S. Joyce, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Matthew B. Aaron and ending with David M. Silldorff, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Dale E. Christenson and ending with Frank Vaccarino, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Therese D. Craddock and ending with Leith S. Wimmer, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Robert A. Bennett and ending with Kenneth S. Wright, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Donald T. Allerton and ending with Todd A. Zvorak, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Scott K. Rineer and ending with Mary P. Colvin, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2009.

Navy nominations beginning with Judi C. Herring and ending with Luis M. Tumialan, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Navy nominations beginning with Vincent G. Auth and ending with Martha P. Villalobos, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Salvador Aguilera and ending with Dennis W. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Michael M. Bates and ending with David G. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with John J. Adametz and ending with Richard L. Whipple, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Kristen Atterbury and ending with Constance L. Worline, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Daniel L. Allen and ending with Donald J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Luis A. Benevides and ending with Timothy H. Weber, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Brian A. Alexander and ending with Peter G. Woodson, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Vincent P. Clifton and ending with Patrick J. Cook, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with David J. Butler and ending with Jon E. Cutler, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with Barry C. Duncan and ending with James E. Parkhill, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with David A. Bianchi and ending with Sarah Walton, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with Lisa M. Bauer and ending with Joseph E. Strickland, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with Dwain Alexander II and ending with Thomas E. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with James F. Armstrong and ending with Julie A. Zappone, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with William E. Butler and ending with Jonathan D. Wallner, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with Robert J. Carey and ending with Brian S. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Julius Genachowski, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2008.

*Robert Malcolm McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

*Inez Moore Tenenbaum, of South Carolina, to be Chairman of the Consumer Product Safety Commission.

*Inez Moore Tenenbaum, of South Carolina, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2006.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Coast Guard nominations beginning with Scott W. Crawley and ending with James T. Zawrotny, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

*Coast Guard nomination of Michael J. Capelli, to be Lieutenant Commander.

*Coast Guard nomination of Michael J. Hauschen, to be Lieutenant Commander.

*Coast Guard nomination of Christopher G. Buckley, to be Lieutenant.

By Mr. LEAHY for the Committee on the Judiciary.

Tristram J. Coffin, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Joyce White Vance, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Preet Bharara, of New York, to be United States Attorney for the Southern District of New York for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. ROCKEFELLER:

S. 1286. A bill to amend part E of title IV of the Social Security Act to allow children in foster care to be placed with their parents in residential family treatment centers that provide safe environments for treating addiction and promoting healthy parenting; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. COBURN, and Mr. GRASSLEY):

S. 1287. A bill to provide for the audit of financial statements of the Department of Defense for fiscal year 2017 and fiscal years thereafter, and for other purposes; to the Committee on Armed Services.

By Mr. PRYOR (for himself, Ms. COLLINS, Ms. LANDRIEU, and Mr. BURRIS):

S. 1288. A bill to authorize appropriations for grants to the States participating in the Emergency Management Assistance Compact, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. SESSIONS, and Mr. LEAHY):

S. 1289. A bill to improve title 18 of the United States Code; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1290. A bill to amend the Internal Revenue Code of 1986 to expand the income tax deduction for dependent care to include part-time students for purposes of calculating earned income under the credit; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 1291. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the cost of teleworking equipment and expenses; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 1292. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNET (for himself, Mr. BROWN, and Mr. CASEY):

S. 1293. A bill to amend the Richard B. Russell National School Lunch Act to improve automatic enrollment procedures for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Nebraska:

S. 1294. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, and Mrs. LINCOLN):

S. 1295. A bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program; to the Committee on Finance.

By Mr. PRYOR:

S. 1296. A bill to increase the number of non-dual status technicians employable by the National Guards; to the Committee on Armed Services.

By Mr. CONRAD (for himself and Mr. ROBERTS):

S. 1297. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

By Mr. REID (for Mr. BYRD):

S. 1298. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MENENDEZ (for himself and Mr. KENNEDY):

S. 1299. A bill to protect health care workers and first responders, including police, firefighters, emergency medical personnel, and other workers at risk of workplace exposure to infectious agents and drug resistant infections, such as MRSA; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. DORGAN, and Ms. COLLINS):

S. 1300. A bill to amend title XVIII of the Social Security Act to clarify intent regarding the counting of residents in a nonhospital setting under the Medicare program; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, Mr. KERRY, Mr. MARTINEZ, Mr. JOHNSON, Mr. CRAPO, Mr. BAYH, Mr. BURRIS, Ms. KLOBUCHAR, Ms. STABENOW, Mr. VITTER, Mr. MERKLEY, Mrs. GILLIBRAND, and Mr. NELSON of Florida):

S. 1301. A bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCONNELL:

S. 1302. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provisions of health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ:

S. 1303. A bill to authorize the Secretary of Health and Human Services to establish a women's medical home demonstration project; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1304. A bill to restore the economic rights of automobile dealers, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1305. A bill to prevent health care facility-acquired infections; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WICKER (for himself and Mr. CARDIN):

S. Res. 189. A resolution expressing the sense of the Senate that the trial by the Russian Government of businessmen Mikhail Khodorkovsky and Platon Lebedev constitutes a politically-motivated case of selective arrest and prosecution that serves as a test of the rule of law and independence of the judicial system of Russia; to the Committee on Foreign Relations.

By Mr. CRAPO (for himself and Mr. LUGAR):

S. Res. 190. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CARDIN, Mr. BURRIS, Ms. LANDRIEU, and Mrs. BOXER):

S. Res. 191. A resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating funds for education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, and Ms. MURKOWSKI):

S. Res. 192. A resolution expressing the sense of the Senate regarding supporting democracy and economic development in Mongolia and expanding relations between the United States and Mongolia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 213

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 435

At the request of Mr. CASEY, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, health, gang-free, and law-abiding lives.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 473

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 628

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Georgia (Mr. CHAMBLISS) 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. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 683

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 685

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 685, a bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 838

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 838, a bill to provide for the appointment of United States Science Envoys.

S. 883

At the request of Mr. KERRY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Hawaii (Mr. AKAKA), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors 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. 962

At the request of Mr. DODD, his name was added as a cosponsor of S. 962, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 1009

At the request of Mr. BENNET, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1009, a bill to amend title

XVIII of the Social Security Act to establish a Care Transitions Program in order to improve quality and cost-effectiveness of care for Medicare beneficiaries.

S. 1034

At the request of Ms. STABENOW, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1034, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics.

S. 1058

At the request of Mr. UDALL of Colorado, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1058, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) 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. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1097

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1097, a bill to require the Secretary of Energy, in coordination with the Secretary of Labor, to establish a program to provide for workforce training and education, at community colleges, in sustainable energy.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1249

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1249, a bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule.

S. 1253

At the request of Mr. CORKER, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1253, a bill to address reimbursement of certain costs to automobile dealers.

S. 1259

At the request of Mr. KYL, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1259, a bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response.

S. 1279

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1279, a bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S.J. Res. 17, supra.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 26

At the request of Mr. BROWNBACK, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Con. Res. 26, a concurrent resolution apologizing for the enslavement and racial segregation of African Americans.

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. BROWN), the Senator from Colorado (Mr. UDALL), the Senator from Arkansas (Mr. PRYOR), the Senator from Nebraska (Mr. NELSON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 26, supra.

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. Con. Res. 26, supra.

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Con. Res. 26, supra.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Con. Res. 26, supra.

At the request of Mr. REED, his name was added as a cosponsor of S. Con. Res. 26, supra.

S. CON. RES. 28

At the request of Mr. NELSON of Nebraska, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution supporting the goals of Smart Irrigation Month, which recognizes the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water resources more efficiently and encourages the adoption of smart irrigation practices throughout the United States to further improve water-use efficiency in agricultural, residential, and commercial activities.

S. RES. 182

At the request of Mr. KERRY, the name of the Senator from Delaware

(Mr. KAUFMAN) was added as a cosponsor of S. Res. 182, a resolution recognizing the democratic accomplishments of the people of Albania and expressing the hope that the parliamentary elections on June 28, 2009, maintain and improve the transparency and fairness of democracy in Albania.

AMENDMENT NO. 1330

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1330 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

At the request of Mr. SANDERS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1330 intended to be proposed to S. 1023, supra.

AMENDMENT NO. 1337

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 1337 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 1286. A bill to amend part E of title IV of the Social Security Act to allow children in foster care to be placed with their parents in residential family treatment centers that provide safe environments for treating addiction and promoting healthy parenting; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Keeping Families Safe Act of 2009 which seeks to keep families together when a parent is in a comprehensive residential family treatment program. Comprehensive residential family treatment is a unique program that serves parents and children together in a safe residential environment as the parent undergoes treatment for substance abuse.

Such programs tend to be small, but their results are impressive. One study found that 60 percent of mothers who participated in the Pregnant and Postpartum Women and Their Infants program were completely clean and sober six months after their discharge. This same study found that 88 percent of these children were still with their mothers six months after the mother was discharged. However, only 5 percent of all substance abuse treatment facilities are able to accommodate children. The goal of this legislation is to offer support and flexibility to such promising programs by allowing children who are in foster care be placed with their parent in the comprehensive residential family treatment center, and bring their foster care payment with them as their placement is transferred. By allowing these funds to follow the child to the residential facility, the chances for that family's success are much greater.

Family based substance abuse treatment centers have proven to be an effective means of treating substance abuse and reuniting families, but most facilities are struggling to make ends meet. Many of the parents in treatment are motivated by the hope of overcoming their addiction and reuniting with their children. This bill is designed to give them that chance, and it will hopefully inspire them by allowing their children to be part of the recovery, in a completely safe environment. I urge my colleagues to support this important legislation to help keep families together and provide another funding source for these promising programs for children and parents.

By Mr. MCCAIN (for himself, Mr. COBURN, and Mr. GRASSLEY):

S. 1287. A bill to provide for the audit of financial statements of the Department of Defense for fiscal year 2017 and fiscal years thereafter, and for other purposes; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, today Senators COBURN, GRASSLEY, and I are introducing the Department of Defense Financial Accountability Act of 2009, which imposes hard legislative deadlines on the Department of Defense to finally fix its broken bookkeeping system. This legislation is not only necessary, it is long overdue.

The bill establishes a series of deadlines, beginning next year and running through 2017, for DoD and the Services to become audit ready. In particular, it compels the Services to account for military equipment, real property, inventory, operating materials and supplies, environmental liabilities, and fund balances with Treasury. Thereafter, DOD must undergo a full, independent audit of its financial statements. If DoD fails to meet any deadline set forth in the bill, it must timely document and explain its failure to Congress.

The Department of Defense is the most massive and complex of any organization, public or private. It is entrusted with more taxpayer dollars than any other federal department or agency. For fiscal year 2009 alone, Congress appropriated over $513 billion for DoD's base budget. It added an additional $7.4 billion for DoD in this year's so-called stimulus bill.

To support its business functions, DoD has thousands of separate business systems that it has layered upon one another for decades. They are archaic, overly complex, and error-prone. They are sometimes redundant and often lack standardization. It is no wonder that since 1995, GAO has classified the Pentagon's financial management as high-risk, which makes it vulnerable to fraud and waste. Indeed, according to GAO, DoD's accounting problems cost the American taxpayer $13 billion in 2005—that's $35 million a day.

This has been a problem for decades. In 1975, the Army disclosed that it had spent $225 million over its budget because of a serious breakdown in its accounting and financial management reporting system. For fiscal year 1986, the Navy failed to disclose $58 million in real property, $1.7 billion in guaranteed loans, and data on operating leases on ships. According to the Government Accountability Office, between 1970 and 1980, the Air Force incurred numerous over obligations in amounts up to $210 million of its industrial funds. This would never be tolerated in the private sector.

This is not only about numbers and audits—this is also about the security of our troops and our nation. These broken systems affect operations and endanger our troops. Over the years, the GAO has reported that the Pentagon's poor financial management has caused pay problems for National Guard and reservists; impeded delivery of food and other essential supplies to U.S. troops; and had the Pentagon scrambling to identify and locate 250,000 defective chem-bio suits, some of which were being sold over the Internet.

Let me read into the record one account of how this impacted ongoing operations in Iraq. According to a February 5, 2006 Star Tribune news article: ''When Perry Jeffries was serving in Iraq, the computers showed that his 4th Infantry Division troops had access to drinking water, a place to shower and working wheels on their vehicles. As the first sergeant came to understand when scrounging for water, towing immobilized tanks and driving to other posts or to Kuwait to pick up needed parts, the Pentagon's bookkeeping doesn't always match reality. Jefferies saw the real-life results of what has been a visible 'accounting' problem in Washington—the Pentagon's inability to keep accurate track of transactions and assets.''

Congress has already enacted several laws mandating financial management reform and the Office of Management and Budget has issued circulars on internal controls over financial reporting and financial management systems. Notably, none contain hard deadlines for an audit.

Meanwhile, DoD has repeatedly promised Congress that it would fix the problem. In 1999 and 2000, then-DoD Comptroller William Lynn testified before Congress that financial management reform was his highest priority. In fact, Mr. Lynn's successor, Dov Zakheim, set a deadline to have the Department of Defense audit ready by 2007. Under DoD's latest Financial Improvement and Audit Readiness Plan, that deadline is now 2017.

I want to recognize that the Department has tried, with varying degrees of effort, to improve financial management, but DoD auditors and GAO continue to report significant weaknesses.

I appreciate that our military is engaged in ongoing operations in Iraq and Afghanistan. That is why Senators COBURN, GRASSLEY and I have sought to be reasonable and realistic with the deadlines. They are the same deadlines in DoD's current Financial Improvement and Audit Readiness Plan.

It has been 19 years since the CFO Act was passed requiring DoD and other departments to have an audit. It will be 2019—nearly 30 years after the passage of the CFO Act—before the Department of Defense is able to get an audit opinion, if we hold them to their current timeline. If we do not, this may never happen.

The ultimate outcome of this legislation will be the implementation of effective financial management processes, efficient business systems and strong internal controls that are essential to producing timely, reliable and useful financial information. Quality information will allow DoD to make informed business decisions and ensure accountability on an ongoing basis.

Every dollar we save through improved financial management is another dollar for our troops—for body armor, for medical supplies, for veterans care. Improved financial systems will ensure that troops in the future do not find themselves in the same straits as the 4th Infantry Division, searching for supplies that a computer says they already have.

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. 1287

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 ''Department of Defense Financial Accountability Act of 2009''.

SEC. 2. AUDIT OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.—

(1) VALIDATION AS READY FOR AUDIT.—The financial statements of the Department of Defense for a fiscal year shall be validated as ready for audit by not later than September 30, 2017.

(2) AUDIT.—The financial statements of the Department of Defense for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2017, and for each fiscal year thereafter.

(3) DEADLINE FOR AUDIT.—The audit of the financial statements of the Department of Defense shall be completed as follows:

(A) In the event the financial statements for a fiscal year before fiscal year 2017 are ready for audit, by not later than two years after the last day of such fiscal year.

(B) In the case of the financial statement fiscal year 2017, by not later than September 30, 2019.

(C) In the case of the financial statement for any fiscal year after fiscal year 2017, by not later than one year after the last day of such fiscal year.

(b) FINANCIAL STATEMENTS OF THE MILITARY DEPARTMENTS AND DLA.—In furtherance of compliance with the requirements in subsection (a), the following requirements shall apply:

(1) DEPARTMENT OF THE ARMY.—

(A) VALIDATION AS READY FOR AUDIT.—The financial statements of the Department of the Army for a fiscal year shall be validated as ready for audit by not later than March 31, 2017.

(B) AUDIT.—The financial statements of the Department of the Army for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2017, and for each fiscal year thereafter.

(C) DEADLINE FOR AUDIT.—The audit of the financial statements of the Department of Army shall be completed as follows:

(i) In the event the financial statements for a fiscal year before fiscal year 2017 are ready for audit, by not later than two years after the last day of such fiscal year.

(ii) In the case of the financial statement fiscal year 2017, by not later than September 30, 2019.

(iii) In the case of the financial statement for any fiscal year after fiscal year 2017, by not later than one year after the last day of such fiscal year.

(2) DEPARTMENT OF THE NAVY.—

(A) VALIDATION AS READY FOR AUDIT.—The financial statements of the Department of the Navy for a fiscal year shall be validated as ready for audit by not later than March 31, 2016.

(B) AUDIT.—The financial statements of the Department of the Navy for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2016, and for each fiscal year thereafter.

(C) DEADLINE FOR AUDIT.—The audit of the financial statements of the Department of Navy shall be completed as follows:

(i) In the event the financial statements for a fiscal year before fiscal year 2016 are ready for audit, by not later than two years after the last day of such fiscal year.

(ii) In the case of the financial statement fiscal year 2016, by not later than September 30, 2018.

(iii) In the case of the financial statement for any fiscal year after fiscal year 2016, by not later than one year after the last day of such fiscal year.

(3) DEPARTMENT OF THE AIR FORCE.—

(A) VALIDATION AS READY FOR AUDIT.—The financial statements of the Department of the Air Force for a fiscal year shall be validated as ready for audit by not later than September 30, 2016.

(B) AUDIT.—The financial statements of the Department of the Air Force for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2016, and for each fiscal year thereafter.

(C) DEADLINE FOR AUDIT.—The audit of the financial statements of the Department of the Air Force shall be completed as follows:

(i) In the event the financial statements for a fiscal year before fiscal year 2016 are ready for audit, by not later than two years after the last day of such fiscal year.

(ii) In the case of the financial statement fiscal year 2016, by not later than September 30, 2018.

(iii) In the case of the financial statement for any fiscal year after fiscal year 2016, by not later than one year after the last day of such fiscal year.

(4) DEFENSE LOGISTICS AGENCY.—

(A) VALIDATION AS READY FOR AUDIT.—The financial statements of the Defense Logistics Agency for a fiscal year shall be validated as ready for audit by not later than September 30, 2017.

(B) AUDIT.—The financial statements of the Defense Logistics Agency for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2017, and for each fiscal year thereafter.

(C) DEADLINE FOR AUDIT.—The audit of the financial statements of the Defense Logistics Agency shall be completed as follows:

(i) In the event the financial statements for a fiscal year before fiscal year 2017 are ready for audit, by not later than two years after the last day of such fiscal year.

(ii) In the case of the financial statement fiscal year 2017, by not later than September 30, 2019.

(iii) In the case of the financial statement for any fiscal year after fiscal year 2017, by not later than one year after the last day of such fiscal year.

(c) VALIDATION AS READY FOR AUDIT OF FINANCIAL STATEMENTS REGARDING PARTICULAR MATTERS.—In furtherance of compliance with the requirements in subsections (a) and (b), the following requirements shall apply:

(1) MILITARY EQUIPMENT.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to military equipment shall be validated as ready for audit by not later than December 31, 2013.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to military equipment shall be validated as ready for audit by not later than September 30, 2014.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to military equipment shall be validated as ready for audit by not later than March 31, 2016.

(2) REAL PROPERTY.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to real property shall be validated as ready for audit by not later than December 31, 2013.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to real property shall be validated as ready for audit by not later than March 31, 2014.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to real property shall be validated as ready for audit by not later than September 30, 2014.

(D) DEFENSE LOGISTICS AGENCY.—The financial statements of the Defense Logistics Agency with respect to real property shall be validated as ready for audit by not later than March 31, 2015.

(3) INVENTORY.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to inventory shall be validated as ready for audit by not later than March 31, 2017.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to inventory shall be validated as ready for audit by not later than December 31, 2013.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to inventory shall be validated as ready for audit by not later than September 30, 2016.

(D) DEFENSE LOGISTICS AGENCY.—The financial statements of the Defense Logistics Agency with respect to inventory shall be validated as ready for audit by not later than September 30, 2015.

(4) OPERATING MATERIAL AND SUPPLIES.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to operating material and supplies shall be validated as ready for audit by not later than March 31, 2017.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to operating material and supplies shall be validated as ready for audit by not later than March 31, 2016.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to operating materials and supplies shall be validated as ready for audit by not later than September 30, 2016.

(5) ENVIRONMENTAL LIABILITIES.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to environmental liabilities shall be validated as ready for audit by not later than December 31, 2013.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to environmental liabilities shall be validated as ready for audit by not later than March 31, 2010.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to environmental liabilities shall be validated as ready for audit by not later than December 31, 2011.

(D) DEFENSE LOGISTICS AGENCY.—The financial statements of the Defense Logistics Agency with respect to environmental liabilities shall be validated as ready for audit by not later than September 30, 2017.

(6) FUND BALANCE WITH THE TREASURY.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to the fund balance with the Treasury shall be validated as ready for audit by not later than September 30, 2010.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to the fund balance with the Treasury shall be validated as ready for audit by not later than December 31, 2010.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to the fund balance with the Treasury shall be validated as ready for audit by not later than December 31, 2011.

(D) DEFENSE LOGISTICS AGENCY.—The financial statements of the Defense Logistics Agency with respect to the fund balance with the Treasury shall be validated as ready for audit by not later than September 30, 2011.

(d) PERFORMANCE OF AUDITS AND VALIDATIONS.—Any audit or validation as ready for audit of a financial statement required under subsections (a) through (c) may be performed by an independent auditor qualified for the performance of such audit or validation, as the case may be.

(e) ACTION IF COMPLIANCE NOT ACHIEVED.—

(1) IN GENERAL.—In the event the Department of Defense or a component of the Department of Defense is unable to achieve compliance with a requirement in subsection (a), (b), or (c) by the completion date for such requirement otherwise specified in the applicable provision of such subsection, the Secretary of Defense or the head of the component, as applicable, shall submit to the appropriate committees of Congress, not later than 30 days after the completion date otherwise so specified, a report setting forth the following:

(A) A statement of the reasons why compliance with the requirement was not achieved by the completion date for the requirement.

(B) A description of the actions to be taken to achieve compliance with the requirement.

(C) A proposed completion date for achievement of compliance with the requirement.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to waive any deadline for the completion of a requirement under subsections (a) through (c).

(f) SEMIANNUAL REPORTS ON FINANCIAL IMPROVEMENT AUDIT READINESS PLAN.—

(1) IN GENERAL.—Not later than May 15 and November 15 each year, the Under Secretary of Defense (Comptroller) shall submit to the appropriate committees of Congress a report on progress under the financial improvement audit readiness (FIAR) plan during two calendar year quarters ending March 31 and September 30, respectively, of such year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the two calendar year quarters covered by such report, the following with respect to the portion of such report relating to priority segments:

(A) A detailed description of any deficiencies identified during discovery.

(B) A description of the actions to be taken to remedy any deficiency so identified.

(C) A deadline for the completion of any actions set forth under subparagraph (B).

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(2) VALIDATION.—The term ''validation'', with respect to the auditability of financial statements, means a determination following an examination engagement that the financial statements comply with generally accepted accounting principles and applicable laws and regulations and reflect reliable internal controls.

By Mr. WHITEHOUSE (for himself, Mr. SESSIONS, and Mr. LEAHY):

S. 1289. A bill to improve title 18 of the United States Code; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, I rise to urge my colleagues to support the Foreign Evidence Request Efficiency Act, which I have introduced on behalf of myself and the Chairman and Ranking Members of the Judiciary Committee, Senators LEAHY and SESSIONS. It has been a pleasure to work with them on this truly bipartisan effort, and I am grateful for their support.

Chairman LEAHY, Ranking Member SESSIONS, and I have all served as prosecutors. I can say with no exaggeration that few responsibilities are more important to the rule of law, to the security of our communities, and to the rights and freedoms that we enjoy as Americans. I served as the U.S. Attorney for Rhode Island—Senator SESSIONS served in that capacity in Alabama—and I know we both will always remember the feeling of standing up in court to say: ''Your Honor, may it please the Court, I represent the United States of America.'' It was the honor of a lifetime.

As my colleagues know, the United States routinely helps foreign law enforcement agencies as they pursue criminal conduct involving activity outside their borders, including inside the United States, and they do the same for us. This is exactly as it should be. As the world grows more interconnected and crime becomes increasingly global, it becomes all the more important for law enforcement agencies in the United States and around the world to work together to bring criminals to justice. Otherwise, it would be very hard to build cases against international organized crime organizations, drug cartels, purveyors of child pornography on the internet, and other criminal threats from outside our borders.

One way that a law enforcement agency provides assistance to another is by gathering evidence from within its borders that a foreign law enforcement agency needs to prosecute a case. The United States routinely completes requests submitted to it by foreign law enforcement agencies just as it receives comparable assistance when it makes evidence requests in foreign countries. For example, let's assume that Spanish authorities are investigating a complicated financial fraud that is being conducted over the internet, apparently from a base in the United States. After conducting their investigation in Spain, the Spanish authorities submit a request to the United States for financial records, internet records, and various other kinds of evidence. U.S. Attorneys review the requests and then seek warrants for the evidence as appropriate. When the evidence is collected, the United States transmits it to Spanish authorities, leading to prosecution in Spanish courts.

This process sounds quite simple, but unfortunately in practice it is extremely cumbersome. This is because under the existing rules, any foreign evidence request must be split up and sent to each district where the evidence exists. So take the Spanish example I just gave, and imagine that the financial records sought are in banks in six different federal judicial districts, that the internet records are in another five federal judicial districts, and that other documentary evidence is spread over another five districts. Under existing law, sixteen different U.S. Attorneys' Offices would have to work on the evidence request. This is incredibly inefficient and burdensome for U.S. Attorneys across the country.

The Foreign Evidence Request Efficiency Act would end this problem by allowing such foreign evidence requests to be handled centrally, by a single or more limited number of U.S. Attorneys offices as appropriate. Why, as in my example, should sixteen U.S. Attorneys' Offices have to deal with an evidence request that one office can coordinate? Simply put, this reform would make life easier for our U.S. Attorneys. We owe them no less.

Of course, respect for civil liberties demands that we not suddenly change the types of evidence that foreign governments may receive from the United States or reduce the role of courts as gatekeepers for searches. The Foreign Evidence Request Efficiency Act would leave those important protections in place, while simultaneously reducing the paperwork that the cumbersome existing process imposes on our U.S. Attorneys.

Two points merit emphasis. First, by making it easier for U.S. Attorneys to collect evidence, the United States can respond more quickly to foreign requests for evidence. Setting a high standard of responsiveness will allow the United States to urge that foreign authorities respond to our requests for evidence with comparable speed. The United States will benefit if foreign governments cannot use our own delay to justify responding slowly to our requests. Second, the Foreign Evidence Request Efficiency Act would not change the United States' obligations to foreign nations. It would only make it easier for the United States to respond to these requests by allowing them to be centralized and by putting the process for handling them within a clear statutory system.

I urge my colleagues to act promptly on this bipartisan legislation. I would like to thank the excellent attorneys in the Department of Justice who have worked with me on this legislation, and would like to request unanimous consent to insert their letter of support into the CONGRESSIONAL RECORD. I again thank Chairman LEAHY and Ranking Member SESSIONS for their support.

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

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., March 27, 2009.

Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WHITEHOUSE: Per your request, the Department of Justice (the Department) has examined the draft bill entitled ''To improve Title 18 of the United States Code''. The Department strongly supports early introduction and consideration of the proposed legislation ''[t]o improve title 18 of the United States Code'' which clarifies procedures for executing and fulfilling foreign requests for evidence. We firmly believe this legislation will facilitate the ability of the United States to assist foreign investigations, prosecutions and related proceedings involving organized crime, trafficking in child pornography, intellectual property violations, identity theft, and all other serious crimes. The ability of the United States to assist foreign authorities to obtain evidence and other assistance in an effective and timely manner will improve reciprocal treatment when we seek assistance in foreign countries in all types of U.S. criminal investigations. Thus, facilitating our ability to provide assistance to foreign investigators has a direct impact on the safety and security of Americans.

The proposed legislation will complement the existing authority in current statutes and self-executing Mutual Legal Assistance Treaties and multilateral conventions. It will greatly facilitate the ability of the U.S. government to meet its obligations under these valuable international instruments and will ensure that we can provide, at our discretion, similar assistance to our non-treaty foreign law enforcement partners. In addition, the filing provision of the new section 3512 will permit the U.S. government to execute foreign assistance requests with greater efficiency than at present, thereby contributing to the effective administration of the federal courts and the Offices of the United States Attorneys.

The statutes that currently govern the obtaining of electronic and other evidence based upon a foreign request for evidence have two limitations. First, existing law does not make it clear which district court can participate in fulfilling legitimate foreign requests for assistance in criminal and terrorism investigations. The sole statute regarding international requests for evidence is 28 U.S.C. §1782, which was designed essentially to accommodate the execution of letters rogatory in civil cases via the issuance of subpoenas. Under the statute, the Department is largely relegated to civil practice rules that require prosecutors to file in every district in which evidence or a witness may be found. In complex cases, this inefficiency means involving several U.S. Attorneys' Offices and District Courts in a single case. Even in less complex cases, referring the requests out to the field wastes scarce attorney resources and creates delays.

Second, in 2001, Congress changed the wording of 18 U.S.C. §2703 in a way that inadvertently introduced confusion in routine mutual legal assistance cases. For example, section 2703(a) requires that the court issuing a search warrant for stored electronic evidence have ''jurisdiction over the offense''. As a U.S. court often has no jurisdiction to try a foreign offender, the wording of 2703(a) needlessly complicates the use of this sort of court process.

The proposed legislation addresses both of these difficulties by clarifying which courts have jurisdiction and can respond to appropriate foreign requests for evidence in criminal investigations. Under this proposal, a legitimate request for assistance can be filed in the District of Columbia, in any of the districts in which any of several records or witnesses are located, or in any district in which there is a related federal criminal case. The proposal would clarify the ambiguity in section 2703 by re-articulating the bases for courts to act without changing any of the procedural safeguards present in U.S. law.

We note that the proposed legislation would not in any way change the existing standards that the government must meet in order to obtain evidence, nor would it alter any existing safeguards on the proper exercise of such authority. Moreover, it would not expand the nature or kind of assistance the Department provides to foreign law enforcement agencies. Indeed, the proposed legislation would not alter U.S. obligations or authorities under existing bilateral and multilateral law enforcement treaties. Instead, by streamlining procedures, the amendment would eliminate needless confusion and wasted time in the government's response to those requests.

The proposed legislation references ''provider of electronic communication service''. The current reference, however, fails to address the presence of wire services, though 18 U.S.C. 3124(a), (b) references ''provider of wire or electronic service''. To provide consistency throughout Title 18, United States Code, and to cover more fully the providers involved, the Department recommends adding ''wire or'' before ''electronic communication service'' each place it appears.

Thank you for the opportunity to comment on this proposed legislation. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this letter.

Sincerely,

M. FAITH BURTON,
Acting Assistant Attorney General.

By Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 1292. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleagues, Senator KLOBUCHAR, and Senator FEINSTEIN, in introducing the Secure and Responsible Drug Disposal Act of 2009. The abuse of prescription narcotics such as pain relievers, tranquilizers, stimulants, and sedatives is currently the fastest growing drug abuse trend in the country. According to the most recent National Survey of Drug Use and Health, NSDUH, nearly 7 million people have admitted to using controlled substances without a doctor's prescription. People between the ages of 12 and 25 are the most common group to abuse these drugs. However, more and more people are dying because of this abuse. The Centers for Disease Control and Prevention report that the unintentional deaths involving prescription narcotics increased 117 percent from the years 2001 to 2005. These are statistics that can no longer be ignored.

Millions of Americans are prescribed controlled substances every year to treat a variety of symptoms due to injury, depression, insomnia, and other conditions. Many legitimate users of these drugs often do not finish their prescriptions. As a result, these drugs remain in the family medicine cabinet for months or years because people forget about them or do not know how to properly dispose of them. However, these drugs, when not properly used or administered, are just as addictive and deadly as street drugs like methamphetamine or cocaine.

According to the NSDUH, more than half of the people who abuse prescription narcotics reported that they obtained controlled substances from a friend or relative or from the family medicine cabinet. As a result, most community anti-drug coalitions, public health officials, and law enforcement officials have been encouraging people within their communities to dispose of old or unused medications in an effort to combat this growing trend.

Despite these ongoing efforts across the country to eliminate a primary source of prescription narcotics from within their communities, many people are finding the Controlled Substances

Act, CSA, is making these efforts difficult. When the CSA was passed in the early 1970's many people did not anticipate the large amount of prescription narcotics that would be used today or the high potential for these drugs to be diverted and abused. Under the CSA, most people who legally possess controlled substances cannot legally transfer them to anyone for any purpose, including for the purpose of disposal. Because the legal method for disposal is unclear, communities interested in providing citizens with an easy process of disposal hesitate to do so or risk violation of the CSA to offer the service. We need to change the CSA so that unused controlled substances do not get diverted in to the stream of illicit drug use and to prevent potential environmental harms, as many people dispose of controlled substances by flushing them down the toilet or dumping them in unlined landfills.

Accordingly, Senator KLOBUCHAR, Senator FEINSTEIN and I are introducing the Secure and Responsible Drug Disposal Act of 2009 to fix the CSA so these efforts to eradicate abuse are not impeded by federal law. This legislation will amend the CSA to allow a user to transfer unused controlled substances to a DEA sanctioned entity for disposal without mandating any specific method of disposal upon communities. This will enable communities to develop methods of disposal best suited for their areas while minimizing the pollution of water supplies or increasing the chances that these drugs will be diverted for abuse. Since most long-term care facilities store large amounts of prescription narcotics for their tenants but are unable to legally dispose of them the bill also enables these facilities to dispose of old medication on behalf of their past and current patients.

This legislation will not cost the government any money to implement and would not place any financial burden on states or industries. It simp ives local communities the option to safely dispose of unused controlled substances. I am pleased that the Department of Justice has endorsed this legislation. They and many others out there know how serious the abuse of prescription narcotics has become in this country. Now is the time to act, and I urge my colleagues to join us in supporting the Safe and Responsible Drug Disposal Act of 2009.

By Mr. BENNET (for himself, Mr. BROWN, and Mr. CASEY):

S. 1293. A bill to amend the Richard B. Russell National School Lunch Act to improve automatic enrollment procedures for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BENNET. Mr. President, I rise today to introduce a bill with Senators BROWN of Ohio and CASEY of Pennsylvania called the Enhancing Child Health with Automatic Enrollment for School Meals Act. We wrote this legislation because too many kids across this country are not getting the free school meals their families are qualified to receive. As members of the Agriculture Committee's subcommittee on Nutrition, Senators BROWN, CASEY and I share an interest in eradicating childhood hunger and increasing the efficiency of the National School Lunch and Breakfast programs.

Our bill builds on the foundation laid during the 2004 child nutrition reauthorization which included a mandatory phase-in of an automatic enrollment process called 'direct certification.' Our bill stipulates that schools, districts, and states must directly certify at least 95 percent of children who can be enrolled in the national school lunch and breakfast programs using this method. The intent of this provision is to modernize the enrollment process by reducing reliance on paper applications and to improve access to school meal programs by ensuring kids who should be receiving free school meals actually receive them.

Because we want to reward achievement and encourage improvements to the school meal enrollment process, our bill includes performance awards for the five states which make the best use of direct certification and for the five states which show the most improvement from one school year to the next. Additionally, our bill requires states which are unable to meet the 95 percent standard to submit a report to Congress and the U.S. Department of Agriculture that identifies the challenges prohibiting effective use of direct certification and maps out a plan for improvement.

As former Superintendent of Denver Public Schools I cannot stress enough the importance of reducing red tape and administrative costs in schools. We cannot expect our children to focus on fractions when their stomachs are growling nor can we expect teachers, principals and school administrators to prepare our children to be tomorrow's leaders if they are spending their time filling out paperwork. That's why modernizing the National School Lunch and Breakfast programs is one of my top priorities for the child nutrition reauthorization this Fall and that is why I am introducing this bill today.

Two additional provisions in the bill would eliminate paperwork and improve the existing system of determining whether or not kids qualify for free meals. The first is a clarification that sending a letter in the mail to a child's household letting them know they are eligible for free school meals is not an acceptable means of direct certification. A child who can be enrolled for free school meals automatically should be enrolled without any action on behalf of the child's household. We make this clarification because a vast number of paper notifications sent to families are not returned and, therefore, kids miss out on meals they should receive.

The second is a request for a study from the U.S. Department of Education that would help determine how data the Department of Education is currently collecting is being used currently and could be used in the future to ensure all kids who should receive free school meals are provided those meals.

Initially, Senators BROWN, CASEY and I were working on ways to expand access to free school meals independently, but now we are working collaboratively. Meeting President Obama's goal of ending childhood hunger by 2015 will require all hands on deck. Last week Senator CASEY, along with Senator SPECTER and myself, introduced the Paperless Enrollment for School Meals Act to make it easier for schools and districts to serve free meals to all children. The bill we are introducing today is yet another installment in the ongoing dialog with Chairman HARKIN, members of the Agriculture Committee and the USDA in preparation for reauthorizing child nutrition and WIC programs in the coming months.

In Colorado and around the nation there is a renewed call for common sense measures to improve existing programs and provide assistance to those who need them most during these tough economic times. I encourage all Senators to do right by our children and support this legislation and the principles of the National School Lunch and Breakfast Programs Senators BROWN, CASEY and I have outlined.

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. 1293

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 ''Enhancing Child Health with Automatic School Meal Enrollment Act of 2009''.

SEC. 2. IMPROVING DIRECT CERTIFICATION.

(a) PERFORMANCE AWARDS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) is amended—

(1) in the paragraph heading, by striking ''FOOD STAMP'' and inserting ''SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM''; and

(2) by adding at the end the following:

''(E) PERFORMANCE AWARDS.—

''(i) IN GENERAL.—Effective for each of the schools years beginning July 1, 2010, July 1, 2011, and July 1, 2012, the Secretary shall offer performance awards to States to encourage the States to ensure that all children eligible for direct certification under this paragraph are certified in accordance with this paragraph.

''(ii) REQUIREMENTS.—For each school year described in clause (i), the Secretary shall—

''(I) consider State data from the prior school year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a); and

''(II) make performance awards to, as determined by the Secretary—

''(aa) 5 States that demonstrate outstanding performance; and

''(bb) 5 States that demonstrate substantial improvement.

''(iii) FUNDING.—

''(I) IN GENERAL.—On October 1, 2009, and on each October 1 thereafter through October 1, 2011, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary, to remain available until expended—

''(aa) $2,000,000 to carry out clause (ii)(I); and

''(bb) $2,000,000 to carry out clause (ii)(II).

''(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this clause the funds transferred under subclause (I), without further appropriation.''.

(b) CORRECTIVE ACTION PLANS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (a)) is amended by adding at the end the following:

''(F) CORRECTIVE ACTION PLANS.—

''(i) IN GENERAL.—Each school year, the Secretary shall—

''(I) identify, using estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a), States that directly certify less than 95 percent of the total number of children in the State who are eligible for direct certification under this paragraph; and

''(II) require the States identified under subclause (I) to implement a corrective action plan to fully meet the requirements of this paragraph.

''(ii) IMPROVING PERFORMANCE.—A State may include in a corrective action plan under clause (i)(II) methods to improve direct certification required under this paragraph or paragraph (15) and discretionary certification under paragraph (5).

''(iii) FAILURE TO MEET PERFORMANCE STANDARD.—

''(I) IN GENERAL.—A State that is required to implement a corrective action plan under clause (i)(II) shall be required to submit to the Secretary, for the approval of the Secretary, a direct certification improvement plan for the following school year.

''(II) REQUIREMENTS.—A direct certification improvement plan under subclause (I) shall include—

''(aa) specific measures that the State will use to identify more children who are eligible for direct certification;

''(bb) a timeline for the State to implement those measures; and

''(cc) goals for the State to improve direct certification results.''.

(c) WITHOUT FURTHER APPLICATION.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (b)) is amended by adding at the end the following:

''(G) WITHOUT FURTHER APPLICATION.—

''(i) IN GENERAL.—In this paragraph, the term 'without further application' means that no action is required by the household of the child.

''(ii) CLARIFICATION.—A requirement that a household return a letter notifying the household of eligibility for direct certification or eligibility for free school meals does not meet the requirements of clause (i).''.

SEC. 3. REPORT ON USING STATEWIDE EDUCATION DATABASES FOR DIRECT CERTIFICATION.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall prepare and submit to Congress a report regarding how statewide databases developed by States to track compliance with the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) can be used for purposes of direct certification under section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)).

(b) CONTENTS.—The report described in subsection (a) shall—

(1) identify the States that have, as of the time of the report, developed statewide databases to track compliance with the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.);

(2) describe best practices regarding how such statewide databases can be used for purposes of direct certification under section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b));

(3) include case studies of States that have expanded such statewide databases so that such statewide databases can be used for direct certification purposes; and

(4) identify States with such statewide databases that would be appropriate for expansion for direct certification purposes.

(c) FUNDING.—

(1) IN GENERAL.—On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $500,000, to remain available through September 30, 2012.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, and Mrs. LINCOLN):

S. 1295. A bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program; to the Committee on Finance.

Mrs. SHAHEEN. Mr. President, I rise today to introduce the Medicare Transitional Care Act of 2009. Time and again, we have heard that our health care system is not working. Costs are too high, outcomes too poor and access too limited. I agree with so many of my colleagues that we need to work together to ensure that all Americans have access to quality and affordable health care.

Everyone deserves stable health care coverage that they can count on, regardless of the job they hold or the curveballs life may throw. All Americans should be able to count on insurance premiums and deductibles that will not continue to rise and eat away more and more of our paychecks. Finally, all Americans deserve stable care that lets you keep your doctor, and your health care plan, that you trust and with whom you have built a relationship.

Let me be clear: health care costs are too high. Every day in New Hampshire and across our country, families are struggling with the crushing cost of health care that threatens their financial stability, leaving them exposed to higher premiums and deductibles, and putting them at risk for a possible loss of health insurance coverage and even bankruptcy. In 2007 our Nation spent $2.2 trillion—or 16.2 percent of the GDP on health care. This is twice the average of other developed nations. As a Nation, our health outcomes are no better. We still lag behind other countries when it comes to efficiency, access, patient safety and adoption of information technology.

It is essential that we cut our Nation's health care costs and improve the quality of care our patients receive.

I rise today to offer a solution that can help address this crisis. I rise to introduce the Medicare Transitional Care Act of 2009—legislation that will reduce costly hospital readmissions, improve Medicare patients' care and cut Medicare costs. I thank Representative BLUMENAUER and Representative BOUSTANY for their leadership on this issue in the House and I am pleased to be joined by colleagues, Senator COLLINS, and Senator LINCOLN, in introducing this legislation.

This bill is about reducing costs and offering better support and coordination of care to Medicare patients. It will help keep seniors who are discharged from the hospital from going back. Simply put, it will improve the health care we offer our seniors while saving money.

According to a report from the New England Journal of Medicine, almost one third of Medicare beneficiaries discharged from the hospital were re-hospitalized within 90 days. One half of the individuals re-hospitalized had not visited a physician since their discharge, indicating a lack of follow-up care. The study also estimated that in 2004 Medicare spent $17.4 billion on unplanned re-hospitalizations. This problem is costly for our government and troublesome for our seniors. But the good news is that this problem is avoidable.

Research shows that the transition from the hospital to the patient's next place of care—be it home, or a nursing facility or rehabilitation center—can be complicated and risky. This is especially true for older individuals with multiple chronic illnesses. These patients talk about the difficulty remembering instructions, confusion over correct use of medications, and general uncertainty about their own conditions.

For example, take Michael, a 71-year-old patient who lives with his 73-year-old wife, and has diabetes. Michael had a knee replacement that required two surgical revisions. He uses a walker and has been hospitalized four times. He says ''they would discharge me and the same day I'd be back in the ER. The wound would burst apart.'' Under this legislation, a transitional care clinician could be there to help make sure that Michael and his wife do not need to go back to the hospital.

Let me also tell you about Bill. Over time, Bill has endured a heart attack that required open heart surgery, angioplasty with stent placement, stroke, kidney disease, HIV and depression. He has been hospitalized three times, underwent rehabilitation therapy in an inpatient facility once and lives alone. He says ''there was no help at home [after surgery]. My mother

came and took care of household stuff. I was flat on my back for two weeks. The hospital called to make sure I was okay—'Hey how are you doing?'—but what could they do?'' Bill also notes the difficulty he had with discharge instructions: ''By the time I'm home,'' he says, ''I don't remember what the doctor said. Sometimes they write it down, but I have comprehension problems.''

Stories like Bill's and Michael's demonstrate that patients need support and assistance to manage their health needs along with their caregivers. This legislation provides that opportunity.

Under the Medicare Transitional Care Act, a transitional care clinician would help ensure that appropriate follow-up care is provided to patients during the vulnerable time after discharge from a hospital—and help ensure that they are not re-hospitalized unnecessarily.

The benefit would be phased-in and provided first for the most at-risk individuals. It will be tailored to their needs. It may be as simple as making sure each patient understands how and when to take their medication; or helping to make sure they schedule and are able to get to follow-up appointments with the doctors, or it may be helping patients and caregivers coordinate support services, such as medical equipment, meal delivery, transportation or assistance with other daily activities.

I am pleased that the legislation has the strong support of the AARP.

Proper transitional care is important not only to reduce hospital readmissions, but also to improve patient outcomes and satisfaction. Experts estimate that this legislation could save as much as $5,000 per Medicare beneficiary.

I look forward to working with my colleagues in the Senate to pass comprehensive health care reform to fix our broken system. I urge them to join me in supporting a transitional care benefit that will support patients during the very vulnerable time after discharge from the hospital. The evidence is clear. We can implement a transitional care option that will save money by reducing hospital re-admisssions while improving the quality of care we deliver to patients in New Hampshire and all across this country.

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. 1295

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 ''Medicare Transitional Care Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) More than 20 percent of older Americans suffer from five or more chronic conditions and these older adults typically require health care services from numerous providers across several care settings each year.

(2) Insufficient communication among older adults, family caregivers, and health care providers contributes to poor continuity of care, inadequate management of complex health care needs, and preventable hospital admissions.

(3) Research suggests that family caregivers often lack the knowledge, skills, and resources to effectively address the complex needs of older adults coping with multiple coexisting conditions.

(4) In 2005, health care services for Medicare beneficiaries with five or more chronic conditions accounted for 75 percent of total Medicare spending. The vast majority of these costs were due to high rates of hospital admission and readmission.

(5) According to Medicare claims data from 2003–2004, almost one fifth (19.6 percent) of the 11,855,702 Medicare beneficiaries who had been discharged from a hospital were re-hospitalized within 30 days, and 34.0 percent were rehospitalized within 90 days.

(6) A New England Journal of Medicine study estimates that the cost to Medicare of unplanned rehospitalizations in 2004 was $17.4 billion.

(7) The MetLife Caregiving Cost Study demonstrates that American businesses lose an estimated $34 billion each year due to employees' need to care for loved ones.

(8) The Transitional Care Model, developed by the University of Pennsylvania, is a care management strategy that identifies patients' health goals, coordinates care throughout acute episodes of illness, develops a streamlined plan of care to prevent future hospitalizations, and prepares the beneficiary and family caregivers to implement this care plan.

(9) The major goal of the Transitional Care Model is to interrupt cycles of avoidable hospitalizations and promote longer-term positive health outcomes.

(10) The Transitional Care Model has shown through multiple randomized clinical trials to produce significant health outcome improvements, reductions in health care costs among at-risk and chronically ill older adults, and increased patient satisfaction.

(11) Preliminary results from a clinical trial of the Guided Care Model (based on a Medical Home which includes transitional care) demonstrated reductions in hospital days, skilled nursing facility days, and home health episodes, as well as preliminary findings of net savings.

(12) A clinical trial of the Care Transitions Intervention demonstrated lower re-hospitalization rates and lower hospital costs per patient.

SEC. 3. MEDICARE COVERAGE OF TRANSITIONAL CARE.

Title XVIII of the Social Security Act is amended by adding at the end the following new section:

''COVERAGE OF TRANSITIONAL CARE SERVICES FOR QUALIFIED INDIVIDUALS

''SEC. 1899. (a) COVERAGE UNDER PART B.—

''(1) IN GENERAL.—In the case of a qualified individual (as defined in subsection (b)), the Secretary shall provide under part B for benefits for transitional care services (as defined in subsection (c)) furnished by a transitional care clinician (as defined in subsection (d)) acting as an employee of (or pursuant to a contract with) a qualified transitional care entity (as defined in paragraph (3)(A)) in accordance with this section during the transitional care period (as defined in paragraph (3)(B)) for the qualified individual.

''(2) INITIAL IMPLEMENTATION.—The Secretary shall first implement this section for services furnished on or after January 1, 2010.

''(3) GENERAL DEFINITIONS.—In this section:

''(A) QUALIFIED TRANSITIONAL CARE ENTITY.—The term 'qualified transitional care entity' means—

''(i) a hospital or a critical care hospital;

''(ii) a home health agency;

''(iii) a primary care practice;

''(iv) a Federally qualified health center; or

''(v) another entity approved by the Secretary for purposes of this section.

''(B) TRANSITIONAL CARE PERIOD.—The term 'transitional care period' means, with respect to a qualified individual, the period—

''(i) beginning on the date the individual is admitted to a subsection (d) hospital (as defined for purposes of section 1886) for inpatient hospital services, or is admitted to a critical care hospital for inpatient critical access hospital services, for which payment may be made under this title; and

''(ii) ending on the last day of the 90-day period beginning on the date of the individual's discharge from such hospital or critical care hospital.

''(b) QUALIFIED INDIVIDUALS.—

''(1) LIMITING FIRST PHASE OF IMPLEMENTATION TO HIGH-RISK INDIVIDUALS.—Except as provided in this subsection, qualified individuals are limited to individuals who—

''(A) have been admitted to a subsection (d) hospital (as defined for purposes of section 1886) for inpatient hospital services or to a critical care hospital for inpatient critical access hospital services; and

''(B) are identified by the Secretary as being at highest risk for readmission or for a poor transition from such a hospital to a post-hospital site of care.

The identification under subparagraph (B) shall be based on achieving a minimum hierarchical condition category score (specified by the Secretary) in order to target eligibility for benefits under this section to individuals with multiple chronic conditions and other risk factors, such as cognitive impairment, depression, or a history of multiple hospitalizations.

''(2) SECOND PHASE OF IMPLEMENTATION.—After submitting to Congress the evaluation under subsection (i)(2) and considering any cost-savings and quality improvements from the prior implementation of this section, the Secretary may expand eligibility of qualified individuals to include moderate-risk and lower-risk individuals, as determined in accordance with eligibility criteria specified by the Secretary. In expanding eligibility, the Secretary may modify or scale transitional care services to meet the specific needs of moderate- and lower-risk individuals.

''(3) AVOIDING DUPLICATION OF SERVICES.—The Secretary shall ensure that qualified individuals receiving transitional care services are not receiving duplicative services under this title.

''(c) TRANSITIONAL CARE SERVICES DEFINED.—In this section, the term 'transitional care services' means services that support a qualified individual during the transitional care period and includes the following:

''(1) A comprehensive assessment prior to discharge including an assessment of the individual's physical and mental condition, cognitive and functional capacities, medication regimen and adherence, social and environmental needs, and primary caregiver needs and resources.

''(2) Development of a comprehensive, evidenced-based plan of transitional care for the individual developed with the individual and the individual's primary caregiver and other health team members, identifying potential health risks, treatment goals, current therapies, and future services for both the individual and any primary caregiver.

''(3) A visit at the care setting within 24 hours after discharge from the hospital or critical access hospital.

''(4) Home visits to implement the plan of care.

''(5) Implementation of the plan of care, including—

''(A) addressing symptoms;

''(B) teaching and promoting self-management skills for the individual and any primary caregiver;

''(C) teaching and counseling the individual and the individual's primary caregiver (as appropriate) to assure adherence to medications and other therapies and avoid adverse events;

''(D) promoting individual access to primary care and community-based services;

''(E) coordinating services provided by other health team members and community caregivers; and

''(F) facilitating transitions to palliative or hospice care, where appropriate.

''(6) Accompanying the individual to follow-up physician visits, as appropriate.

''(7) Providing information and resources about conditions and care.

''(8) Educating and assisting the individual and the individual's primary caregiver to arrange and coordinate clinician visits and health care services.

''(9) Informing providers of services and suppliers of those items and services that have been ordered for and received by the individual from other providers.

''(10) Working with providers of services and suppliers to assure appropriate referrals to specialists, tests, and other services.

''(11) Educating and assisting the individual and the individual's primary caregiver with arranging and coordinating community resources and support services (such as medical equipment, meals, homemaker services, assistance with daily activities, shopping, and transportation).

''(12) Providing to the qualified individual, primary caregiver, and appropriate clinicians and qualified transitional care entity providing ongoing care at the conclusion of the transitional care period a written summary that includes the goals established in the plan of care described in paragraph (2), progress in achieving such goals, and remaining treatment needs.

''(13) Other services that the Secretary determines are appropriate.

The Secretary shall determine and update the services to be included in transitional care services as appropriate, based on the evidence of their effectiveness in reducing hospital readmissions and improving health outcomes.

''(d) TRANSITIONAL CARE CLINICIANS.—

''(1) IN GENERAL.—In this section, the term 'transitional care clinician' means, with respect to a qualified individual, a nurse or other health professional who—

''(A) has received specialized training in the clinical care of people with multiple chronic conditions (including medication management) and communication and coordination with multiple providers of services, suppliers, patients, and their primary caregivers;

''(B) is supported by an interdisciplinary team in a manner that assures continuity of care throughout a transitional care period and across care settings (including the residences of qualified individuals);

''(C) is employed by (or has a contract with) with a qualified transitional care entity for the furnishing of transitional care services; and

''(D) meets such participation criteria as the Secretary may specify consistent with this subsection.

''(2) PARTICIPATION CRITERIA.—In establishing participation criteria under paragraph (1)(C), the Secretary shall assure that transitional care clinicians meet relevant experience and training requirements and have the ability to meet the individual needs of qualified individuals.

''(3) ENCOURAGEMENT OF HIT.—The Secretary may provide for an additional payment to encourage transitional care clinicians and qualified transitional care entities to use health information technology in the provision of transitional care services.

''(e) PAYMENT.—

''(1) IN GENERAL.—The Secretary shall determine the method of payment for transitional care services under this section, including appropriate risk adjustment that reflects the differences in resources needed to provide transitional care services to individuals with differing characteristics and circumstances and, when applicable, the performance measures under subsection (f). The payment amount shall be sufficient to ensure the provision of necessary transitional care services throughout the transitional care period. The payment shall be structured in a manner to explicitly recognize transitional care as an episode of services that crosses multiple care settings, providers of services, and suppliers. The payment with respect to transitional care services furnished by a transitional care clinician shall be made, notwithstanding any other provision of this title, to the qualified transitional care entity which employs, or has a contract with, the clinician for the furnishing of such services.

''(2) NO COST-SHARING.—Notwithstanding section 1833, there shall be no deductible or cost-sharing applicable to payment under this section for transitional care services.

''(f) PERFORMANCE MEASURES.—

''(1) ACCOUNTABILITY.—

''(A) IN GENERAL.—The Secretary shall establish a method whereby qualified transitional care entities responsible for furnishing transitional care services would be held accountable for process and outcome performance measures specified by the Secretary from those that have been endorsed by the National Quality Forum.

''(B) DEVELOPMENT AND ENDORSEMENT OF PERFORMANCE MEASURE SET.—For purposes of carrying out subparagraph (A), the Secretary shall enter into an arrangement—

''(i) with the National Quality Forum for the evaluation, endorsement, and recommendation of an appropriate set of performance measures for transitional care services and for the identification of gaps in available measures; and

''(ii) with the Agency for Healthcare Research and Quality to support measure development, to fill gaps in available measures, and to provide for the ongoing maintenance of the set of performance measures for transitional care services.

''(2) PAY FOR PERFORMANCE.—As soon as practicable after reliable process and outcome performance measures have been endorsed and specified under subparagraph (A), the Secretary shall provide that the payment amounts under subsection (e) for transitional care services shall be linked to performance on such measures.

''(3) PUBLIC REPORTING.—The Secretary shall establish a mechanism to publicly report on a qualifying entity's transitional care performance on such measures, including providing benchmarks to identify high performers and those practices that contribute to lower hospital readmission rates.

''(4) DISSEMINATION OF INFORMATION ON BEST PRACTICES.—The Secretary shall disseminate information on best practices used by transitional care clinicians and qualifying transitional care entities in furnishing transitional care services for purposes of application in other settings, such as in conditions of participation under this title, under the Quality Improvement Organization (QIO) Program under part B of title XI, and public-private quality alliances, such as the Hospital Quality Alliance.

''(g) NOTIFICATION OF ELIGIBILITY AND COORDINATION WITH HOSPITAL DISCHARGE PLANNING.—In establishing standards for discharge planning under section 1861(ee)(1), the Secretary shall require each subsection (d) hospital and each critical care hospital—

''(1) to identify, as soon as practicable after admission, those patients who are qualified individuals under this section; and

''(2) to provide to such patients and their primary caregivers a list of qualified transitional care entities available to arrange for the provision of transitional care services, a list of transitional services provided under this section, and a notice that the transitional care service benefit is provided to qualified individuals with no deductible or cost-sharing.

Nothing in this section shall be construed as preventing such a hospital from entering into an agreement with a qualified transitional care entity or a transitional care clinician for the furnishing of transitional care services to the hospital's patients.

''(h) PREVENTION OF INAPPROPRIATE STEERING.—The Secretary shall promulgate such regulations as the Secretary deems necessary to address any protections needed, beyond those otherwise provided under law and regulations, to prevent inappropriate steering of qualified individuals to providers of services, suppliers, qualified transitional care entities, or transitional care clinicians, under this section or inappropriate limitations on access to needed transitional care services under this section.

''(i) EVALUATION OF BENEFIT.—

''(1) IN GENERAL.—The Secretary shall evaluate the performance of the transitional care benefit under this section by measuring the following (for those receiving transitional care services and those not receiving such services):

''(A) Admission rates to health care facilities.

''(B) Hospital readmission rates.

''(C) Cost of transitional care and all other health care services.

''(D) Quality of transitional care experiences.

''(E) Measures of quality and efficiency.

''(F) Beneficiary, primary caregiver, and provider experience.

''(G) Health outcomes.

''(H) Reductions in expenditures under this title over time.

''(2) REPORT.—The Secretary shall submit a report to Congress no later than April 1, 2013, on the performance measures achieved by the transitional care benefit in the first 2 years of implementation. After submitting such report, the Secretary may expand the benefit to moderate-risk and lower-risk individuals in accordance with subsection (b)(2).''.

By Mr. CONRAD (for himself and Mr. ROBERTS):

S. 1297. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

Mr. CONRAD. Mr. President, I am pleased to be joined by my friend and Finance Committee colleague, Senator PAT ROBERTS from Kansas, in introducing legislation that can help Americans enjoy a more secure retirement. In these economically challenging

times, financial security—especially during retirement—can be a frustrating and elusive goal. In retirement, the chief anxiety for most people is protecting the savings they have accumulated while working and deciding how best to manage those assets.

In 21st century America, there is another crucial challenge for retirees. The good news is that Americans are living longer, but it also means that people have to plan for a longer period of retirement. A successful long-term retirement income plan is difficult even in a bullish market. How much more difficult is this task in today's market—particularly for the millions of Americans with limited investment experience?

We believe in encouraging people to save for retirement. Through the tax code, we encourage asset-building through home ownership. We provide significant tax incentives for employer-based pension plans and for retirement savings programs by individuals, such as IRAs and 401(k) plans.

One of the biggest threats to retirement income security for baby boomers is their own longevity. It will not be easy to manage their accumulated assets so that they will last a lifetime. Unprecedented numbers of Americans are now living into their 90s and even past 100. Consequently, people are going to spend more time in retirement than previous generations.

Now our society is witnessing the beginning of the retirement wave we knew was already building. Before it recedes, 77 million baby boomers will have entered their retirement years. Many of them will not have the guaranteed monthly retirement checks that many of their parents enjoyed as a result of employer-based pension plans. Traditional defined benefit pension plans have given way to defined contribution plans, which have shifted the retirement income security risk from the employer to the individual.

Of course, there are still many Americans who have no access at all to employer-provided pension plans. Some have never been in the traditional workforce; others work in seasonal jobs or part time. In my state of North Dakota, as well as in rural and farming communities across America, there is an acute need for retirement vehicles that will provide a secure lifetime payout. Others who could face difficulty in securing retirement income are widowed individuals—both men and women—who suddenly find themselves having to make a life insurance benefit or proceeds from the sale of a business or family home last a lifetime.

The proposal we are introducing today will provide a valuable tool for helping people avoid the risk of outliving their assets. Specifically, we are proposing a tax incentive to encourage Americans to annuitize a portion of their assets available for retirement. If they annuitize—in other words, elect to receive their money from an annuity in a series of payments for the rest of their lives, no matter how long that may be—they would be able to exclude from income 50 percent of the annuity benefit that represents the accumulation in the annuity above and beyond the original investment. The exclusion would be capped at $20,000, indexed, to ensure that tax sheltering activity is not encouraged and that the incentive will be effective for people who would benefit most from securing a lifetime income stream.

This proposal we offer today would apply only to life-contingent, nonqualified annuities. A life-contingent annuity that is subsequently modified to a fixed-term payout would be subject to a recapture tax.

Baby boomers represent an unprecedented challenge to our retirement security policies. They should have a wide range of options available for responsible retirement planning. Our proposal focuses on non-qualified annuities because it is important to have this option considered as part of the larger retirement income security debate that Congress should have before baby boomers begin retiring in large numbers. Options for making qualified plans more secure should be part of that debate as well.

I hope that Congress will tackle this matter promptly because over the last few years too many people have seen their retirement savings severely eroded. This legislation will provide an important incentive to help them preserve what they have.

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. 1297

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 ''Retirement Security for Life Act of 2009''.

SEC. 2. EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.

(a) LIFETIME ANNUITY PAYMENTS UNDER ANNUITY CONTRACTS.—Section 72(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

''(A) IN GENERAL.—In the case of lifetime annuity payments received under one or more annuity contracts in any taxable year, gross income shall not include 50 percent of the portion of lifetime annuity payments otherwise includible (without regard to this paragraph) in gross income under this section. For purposes of the preceding sentence, the amount excludible from gross income in any taxable year shall not exceed $20,000.

''(B) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2010, the $20,000 amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.

''(C) APPLICATION OF PARAGRAPH.—Subparagraph (A) shall not apply to—

''(i) any amount received under an eligible deferred compensation plan (as defined in section 457(b)) or under a qualified retirement plan (as defined in section 4974(c)),

''(ii) any amount paid under an annuity contract that is received by the beneficiary under the contract—

''(I) after the death of the annuitant in the case of payments described in subsection (c)(5)(A)(ii)(III), unless the beneficiary is the surviving spouse of the annuitant, or

''(II) after the death of the annuitant and joint annuitant in the case of payments described in subsection (c)(5)(A)(ii)(IV), unless the beneficiary is the surviving spouse of the last to die of the annuitant and the joint annuitant, or

''(iii) any annuity contract that is a qualified funding asset (as defined in section 130(d)), but without regard to whether there is a qualified assignment.

''(D) INVESTMENT IN THE CONTRACT.—For purposes of this section, the investment in the contract shall be determined without regard to this paragraph.''.

(b) DEFINITIONS.—Subsection (c) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) LIFETIME ANNUITY PAYMENT.—

''(A) IN GENERAL.—For purposes of subsection (b)(5), the term 'lifetime annuity payment' means any amount received as an annuity under any portion of an annuity contract, but only if—

''(i) the only person (or persons in the case of payments described in subclause (II) or (IV) of clause (ii)) legally entitled (by operation of the contract, a trust, or other legally enforceable means) to receive such amount during the life of the annuitant or joint annuitant is such annuitant or joint annuitant, and

''(ii) such amount is part of a series of substantially equal periodic payments made not less frequently than annually over—

''(I) the life of the annuitant,

''(II) the lives of the annuitant and a joint annuitant, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less,

''(III) the life of the annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, or

''(IV) the lives of the annuitant and a joint annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less.

''(iii) EXCEPTIONS.—For purposes of clause (ii), annuity payments shall not fail to be treated as part of a series of substantially equal periodic payments—

''(I) because the amount of the periodic payments may vary in accordance with investment experience, reallocations among investment options, actuarial gains or losses, cost of living indices, a constant percentage applied not less frequently than annually, or similar fluctuating criteria,

''(II) due to the existence of, or modification of the duration of, a provision in the contract permitting a lump sum withdrawal after the annuity starting date,

''(III) because the period between each such payment is lengthened or shortened, but only if at all times such period is no longer than one calendar year, or

''(IV) because, in the case of an annuity payable over the life of an annuitant and a joint annuitant, the amounts paid to the surviving annuitant after the death of the first annuitant are less than the amounts payable during the joint lives of the two annuitants.

''(B) ANNUITY CONTRACT.—For purposes of subparagraph (A) and subsections (b)(5) and (x), the term 'annuity contract' means a commercial annuity (as defined by section 3405(e)(6)), other than an endowment or life insurance contract.

''(C) MINIMUM PERIOD OF PAYMENTS.—For purposes of subparagraph (A), the term 'minimum period of payments' means a guaranteed term of payments that does not exceed the greater of 10 years or—

''(i) the life expectancy of the annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(III), or

''(ii) the life expectancy of the annuitant and joint annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(IV).

For purposes of this subparagraph, life expectancy shall be computed with reference to the tables prescribed by the Secretary under paragraph (3). For purposes of subsection (x)(1)(C)(ii), the permissible minimum period of payments shall be determined as of the annuity starting date and reduced by one for each subsequent year.

''(D) MINIMUM AMOUNT THAT MUST BE PAID IN ANY EVENT.—For purposes of subparagraph (A), the term 'minimum amount that must be paid in any event' means an amount payable to the designated beneficiary under an annuity contract that is in the nature of a refund and does not exceed the greater of the amount applied to produce the lifetime annuity payments under the contract or the amount, if any, available for withdrawal under the contract on the date of death.''.

(c) RECAPTURE TAX FOR LIFETIME ANNUITY PAYMENTS.—Section 72 of the Internal Revenue Code of 1986 is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

''(x) RECAPTURE TAX FOR MODIFICATIONS TO OR REDUCTIONS IN LIFETIME ANNUITY PAYMENTS.—

''(1) IN GENERAL.—If any amount received under an annuity contract is excluded from income by reason of subsection (b)(5), and—

''(A) the series of payments under such contract is subsequently modified so that any future payments are not lifetime annuity payments,

''(B) after the date of receipt of the first lifetime annuity payment under the contract an annuitant receives a lump sum and thereafter is to receive annuity payments in a reduced amount under the contract, or

''(C) after the date of receipt of the first lifetime annuity payment under the contract the dollar amount of any subsequent annuity payment is reduced and a lump sum is not paid in connection with the reduction, unless such reduction is—

''(i) due to an event described in subsection (c)(5)(A)(iii), or

''(ii) due to the addition of, or increase in, a minimum period of payments within the meaning of subsection (c)(5)(C) or a minimum amount that must be paid in any event (within the meaning of subsection (c)(5)(D)),

then gross income for the first taxable year in which such modification or reduction occurs shall be increased by the recapture amount.

''(2) RECAPTURE AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the recapture amount shall be the amount, determined under rules prescribed by the Secretary, equal to the sum of—

''(i) the excess of—

''(I) the amount that was excluded from the taxpayer's gross income under subsection (b)(5) for all taxable years prior to the modification or reduction described in paragraph (1), over

''(II) the amount that would have been excludible under such subsection for such taxable years had such modifications or reductions been in effect at all times, plus

''(ii) interest for the deferral period at the underpayment rate established by section 6621.

''(B) DEFERRAL PERIOD.—For purposes of this subsection, the term 'deferral period' means the period beginning with the taxable year in which (without regard to subsection (b)(5)) the payment would have been includible in gross income and ending with the taxable year in which the modification described in paragraph (1) occurs.

''(3) EXCEPTIONS TO RECAPTURE TAX.—Paragraph (1) shall not apply in the case of any modification or reduction that occurs because an annuitant—

''(A) dies or becomes disabled (within the meaning of subsection (m)(7)),

''(B) becomes a chronically ill individual (within the meaning of section 7702B(c)(2)), or

''(C) encounters hardship.''.

(d) LIFETIME DISTRIBUTIONS OF LIFE INSURANCE DEATH BENEFITS.—

(1) IN GENERAL.—Section 101(d) of the Internal Revenue Code of 1986 (relating to payment of life insurance proceeds at a date later than death) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

''(A) IN GENERAL.—In the case of amounts to which this subsection applies, gross income shall not include the lesser of—

''(i) 50 percent of the portion of lifetime annuity payments otherwise includible in gross income under this section (determined without regard to this paragraph), or

''(ii) the amount determined under section 72(b)(5).

''(B) RULES OF SECTION 72(b)(5) TO APPLY.—For purposes of this paragraph, rules similar to the rules of section 72(b)(5) and section 72(x) shall apply, substituting the term 'beneficiary of the life insurance contract' for the term 'annuitant' wherever it appears, and substituting the term 'life insurance contract' for the term 'annuity contract' wherever it appears.''.

(2) CONFORMING AMENDMENT.—Section 101(d)(1) of such Code is amended by inserting ''or paragraph (4)'' after ''to the extent not excluded by the preceding sentence''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts received in calendar years beginning after the date of the enactment of this Act.

(2) SPECIAL RULE FOR EXISTING CONTRACTS.—In the case of a contract in force on the date of the enactment of this Act that does not satisfy the requirements of section 72(c)(5)(A) of the Internal Revenue Code of 1986 (as added by this section), or requirements similar to such section in the case of a life insurance contract, any modification to such contract (including a change in ownership) or to the payments thereunder that is made to satisfy the requirements of such section (or similar requirements) shall not result in the recognition of any gain or loss, any amount being included in gross income, or any addition to tax that otherwise might result from such modification, but only if the modification is completed prior to the date that is 2 years after the date of the enactment of this Act.

By Mr. MCCONNELL:

S. 1302. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provisions of health care services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Veterans Health Care Improvement Act of 2009.

As we all know, the Department of Veterans Affairs strives to provide the best possible health care for our nation's heroes. However, it has come to my attention that the quality of care provided to our nation's veterans has been inconsistent among community-based outpatient clinics. Some of these clinics, including two in my home state of Kentucky, are operated by private health care providers under VA contracts. These VA-contracted health care providers are compensated for their work at community-based outpatient clinics on a capitated basis, which means they are essentially paid based on how many new veterans they see during a pay period. These firms are therefore rewarded for the number of veterans they sign up, not for the quality of treatment provided to our veterans. I am concerned this provides contractors with the wrong incentives. Contracted health care providers should have the incentive to provide the best possible care for veterans, not simply get as many veterans as possible through the door once.

As a result of the capitated system, it has been reported that too many of our nation's heroes have faced difficulties at these clinics in scheduling appointments, have suffered from neglect or have received substandard health care. This occurred under the last administration and I am concerned it may be continuing in the current one.

As such, I am introducing the Veterans Health Care Improvement Act of 2009, which attempts to fix the way VA-contracted health care providers are compensated at clinics. This bill would require the VA to begin to introduce a pay-for-performance compensation plan for contractors, thereby gradually incentivizing a higher quality of care for veterans seen at privately-administered community-based outpatient clinics.

This bill gives the VA the flexibility to begin to implement such a system through a pilot program and leaves the VA the discretion as to how to adopt and best implement the pay-for-performance standards. In this respect, the bill defers to the VA on how to execute these changes. It is my hope that my colleagues will support this measure.

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. 1302

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 ''Veterans Health Care Improvement Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans of the Armed Forces have made tremendous sacrifices in the defense of freedom and liberty.

(2) Congress recognizes these great sacrifices and reaffirms America's strong commitment to its veterans.

(3) As part of the on-going congressional effort to recognize the sacrifices made by America's veterans, Congress has dramatically increased funding for the Department of Veterans Affairs for veterans health care in the years since September 11, 2001.

(4) Part of the funding for the Department of Veterans Affairs for veterans health care is allocated toward community-based outpatient clinics (CBOCs).

(5) Many CBOCs are administered by private contractors.

(6) CBOCs administered by private contractors operate on a capitated basis.

(7) Some current contracts for CBOCs may create an incentive for contractors to sign up as many veterans as possible, without ensuring timely access to high quality health care for such veterans.

(8) The top priorities for CBOCs should be to provide quality health care and patient satisfaction for America's veterans.

(9) The Department of Veterans Affairs currently tracks the quality of patient care through its Computerized Patient Record System. However, fees paid to contractors are not currently adjusted automatically to reflect the quality of care provided to patients.

(10) A pay-for-performance payment model offers a promising approach to health care delivery by aligning the payment of fees to contractors with the achievement of better health outcomes for patients.

(11) The Department of Veterans Affairs should begin to emphasize pay-for-performance in its contracts with CBOCs.

SEC. 3. PAY-FOR-PERFORMANCE UNDER DEPARTMENT OF VETERANS AFFAIRS CONTRACTS WITH COMMUNITY-BASED OUTPATIENT HEALTH CARE CLINICS.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to introduce pay-for-performance measures into contracts which compensate contractors of the Department of Veterans Affairs for the provision of health care services through community-based outpatient clinics (CBOCs).

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Measures to ensure that contracts of the Department for the provision of health care services through CBOCs begin to utilize pay-for-performance compensation mechanisms for compensating contractors for the provision of such services through such clinics, including mechanisms as follows:

(A) To provide incentives for clinics that provide high-quality health care.

(B) To provide incentives to better assure patient satisfaction.

(C) To impose penalties (including termination of contract) for clinics that provide substandard care.

(2) Mechanisms to collect and evaluate data on the outcomes of the services generally provided by CBOCs in order to provide for an assessment of the quality of health care provided by such clinics.

(3) Mechanisms to eliminate abuses in the provision of health care services by CBOCs under contracts that continue to utilize capitated-basis compensation mechanisms for compensating contractors.

(4) Mechanisms to ensure that veterans are not denied care or face undue delays in receiving care.

(c) IMPLEMENTATION.—The Secretary shall commence the implementation of the plan required by subsection (a) unless Congress enacts an Act, not later than 60 days after the date of the submittal of the plan, prohibiting or modifying implementation of the plan. In implementing the plan, the Secretary may initially carry out one or more pilot programs to assess the feasability and advisability of mechanisms under the plan.

(d) REPORTS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary shall submit to Congress a report setting forth the recommendations of the Secretary as to the feasability and advisability of utilizing pay-for-performance compensation mechanisms in the provision of health care services by the Department by means in addition to CBOCs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 189—EXPRESSING THE SENSE OF THE SENATE THAT THE TRIAL BY THE RUSSIAN GOVERNMENT OF BUSINESSMEN MIKHAIL KHODORKOVSKY AND PLATON LEBEDEV CONSTITUTES A POLITICALLY-MOTIVATED CASE OF SELECTIVE ARREST AND PROSECUTION THAT SERVES AS A TEST OF THE RULE OF LAW AND INDEPENDENCE OF THE JUDICIAL SYSTEM OF RUSSIA

Mr. WICKER (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 189

Whereas on April 1, 2009, President Barack Obama and President Dmitry Medvedev issued a joint statement affirming that ''[i]n our relations with each other, we also seek to be guided by the rule of law, respect for fundamental freedoms and human rights, and tolerance for different views'';

Whereas the United States and Russia, in a spirit of cooperation, will continue the dialogue on the issues affirmed in such joint statement at an upcoming summit to be held in June 2009;

Whereas it has been the long-held position of the United States to support the development of democracy, rule of law, judicial independence, freedom, and respect for human rights in the Russian Federation;

Whereas Russian President Medvedev has called Russia a country of ''legal nihilism'' and issued a new foreign policy doctrine citing ''the supremacy of law in international relations'' as one of the top priorities of Russia;

Whereas 2 prominent cases involve the Yukos Oil Company and its president, Mikhail Khodorkovsky and his partner, Platon Lebedev, who were convicted and sentenced in May 2005 to serve 9 years in a remote penal camp;

Whereas Russian authorities confiscated Yukos assets and assigned ownership to a state company that is chaired by an official in the Kremlin; harassed, exiled, persecuted, and imprisoned many Yukos officers and legal representatives; and issued a series of court rulings against Mr. Khodorkovsky and Mr. Lebedev that violate international legal norms;

Whereas at a press conference in May 2005, President George Bush stated, ''it appeared to . . . people in my Administration, that . . . [Mikhail Khodorkovsky] had been judged guilty prior to having a fair trial. In other words, he was put in prison, and then was tried'';

Whereas on October 25, 2005, Congressmen Roger Wicker and Tom Lantos introduced H. Res. 525, which noted the actions that the Russian government had taken with respect to Yukos, Mr. Khodorkovsky, and Mr. Lebedev, and called upon Russian authorities to prove that the cases were not politically motivated, that the Russian judicial system is truly independent and not simply an instrument of the Kremlin, and that the state was not engaged in a campaign to selectively reclaim or re-nationalize private enterprises;

Whereas on November 18, 2005, Senators Joe Biden, Barack Obama, and John McCain introduced S. Res. 322, which called the cases against Mr. Khodorkovsky and Mr. Lebedev ''politically motivated'', noted that Mr. Khodorkovsky and Mr. Lebedev had not been accorded fair, transparent, and impartial treatment, and deplored their transfer to remote prison camps;

Whereas Amnesty International, Freedom House, and other prominent international human rights organizations have cited the conviction and imprisonment of Mikhail Khodorkovsky as evidence of the arbitrary and political use of the legal system and the lack of a truly independent judiciary in the Russian Federation;

Whereas governments, courts, journalists, and human rights organizations around the world have expressed concern about the prosecution, trial, imprisonment, and treatment of the individuals in the Yukos case, and have called on President Medvedev to honor his pledge to end ''legal nihilism'' in Russia;

Whereas on February 5, 2007, on the eve of their eligibility for parole, Russian prosecutors brought new charges against Mr. Khodorkovsky and Mr. Lebedev, accusing them of embezzling $20,000,000,000 in Yukos oil revenues;

Whereas in May 2007 the Prosecutor General in Moscow attempted to disbar Karinna Moskalenko, one of Russia's most distinguished and renown human rights lawyers and defense counsel to Mikhail Khodorkovsky, in apparent reprisal for actions she had taken on behalf of her client;

Whereas in August 2007 the highest court of Switzerland denied Russian authorities access to Yukos documents on the basis that the case against Yukos and its principal executives and core shareholders, specifically Mikhail Khodorkovsky and Platon Lebedev, had a ''political and discriminatory character. . .undermined by the infringement of human rights and the right to defense'';

Whereas courts in Great Britain, the Netherlands, Cyprus, Liechtenstein, Lithuania, and Switzerland have described the Yukos proceeding as politically motivated and have rejected motions from Russian prosecutors seeking the extradition of Yukos officials or materials for use in trials in Russia;

Whereas on October 25, 2007, the European Court of Human Rights ruled that Platon Lebedev's rights to liberty and security were violated during his arrest and subsequent pretrial detention;

Whereas the 2008 Department of State Human Rights Report stated: ''The arrest and conviction of Khodorkovsky raised concerns about the right to due process and the

rule of law, including the independence of courts and the lack of a predictable tax regime.'';

Whereas on March 13, 2008, the European Parliament issued a resolution calling on the Russian President to ''review the treatment of imprisoned public figures (among them Mikhail Khodorkovsky and Platon Lebedev), whose imprisonment has been assessed by most observers as having been politically motivated'';

Whereas in July 2008, President Dmitry Medvedev said it was essential that Russia ''take all necessary means to strengthen the independence of judges'' since ''it goes without saying that pressure is applied, influence is exerted, and direct bribery is often used'';

Whereas on August 22, 2008, Mikhail Khodorkovsky was denied parole on the grounds that he refused to take part in vocational training in sewing and that he allegedly failed to keep his hands behind his back during a jail walk;

Whereas on October 25, 2008, the State Department issued a statement marking the fifth anniversary of Mikhail Khodorkovsky's arrest, stating ''the conduct of the cases against Khodorkovsky and his associates has eroded Russia's reputation and public confidence in Russian legal and judicial institutions'';

Whereas on December 22, 2008, the European Court of Human Rights ordered the release of the terminally ill former Yukos oil executive Vasily Aleksanyan, who had been held in detention since April 6, 2006, despite repeated orders by the European Court that Mr. Aleksanyan be treated in a humane fashion for cancer and AIDS;

Whereas in February 2009, Andrei Illarianov, former chief economic advisor to President Vladimir Putin, stated that ''[o]ne of the best known political prisoners is Mikhail Khodorkovsky who has been sentenced to 9 years in the Siberian camp Krasnokamensk on the basis of purely fabricated case against him and his oil company Yukos'';

Whereas on February 24, 2009, human rights lawyer Karinna Moskalenko, said that ''[a]ll verdicts are possible in this country. But for people like Khodorkovsky, everything is already planned out and decided as long as the political will does not change'';

Whereas on February 25, 2009, Olga Kudeshkina, former Moscow court judge who was dismissed from her duties in 2004, stated that Moscow City Court ''has turned into an institution of settling political, commercial and other scores'' and that ''nobody can be sure that the case will be resolved in accordance with the law'';

Whereas on April 2, 2009, Senator Ben Cardin, chair of the Helsinki Commission, issued a statement in the Senate in which he noted that ''the Council of Europe, Freedom House and Amnesty International, among others, have concluded that Mr. Khodorkovsky was charged and imprisoned in a process that did not follow the rule of law and was politically influenced. . .'' and that ''the current charges. . .amount to legal hooliganism and highlight the petty meanness of the senior government officials behind this travesty of justice. . .should be dropped and the new trial should be abandoned'';

Whereas on April 10, 2009, the New York Times published an editorial noting that the new charges and trial against Mikhail Khodorkovsky ''are for show, intended only to keep [him] and his colleague in prison forever'';

Whereas on April 11, 2009, the Washington Post wrote: ''If Mr. Medvedev allows [the Khodorkovsky trial] to go forward to its scripted conclusion—a lengthy extension of Mr. Khodorkovsky's sentence to a Siberian prison camp—the point will be proved that Russia still has no rule of law but only a ruler'';

Whereas on April 21, 2009, Freedom House, Amnesty International, Human Rights First, Human Rights Watch, the International League for Human Rights, the Lantos Foundation for Human Rights and Justice, and the Jacob Blaustein Institute for the Advancement of Human Rights joined in a letter to President Medvedev in which they note ''the serious human rights concerns raised by the case so far'' and call on the Russian Government to ''ensure that international observers are allowed unhindered access to the courtroom'' to monitor the trial, to ''ensure that the rule of law is upheld'' and that it ''meets the standards of the Russian Constitution and international law'';

Whereas the selective disregard for the rule of law by Russian officials undermines the standing and status of the Russian Federation among the democratic nations of the world; and

Whereas both Russia and the United States have recently elected new presidents that provide the opportunity to review past policies and pursue a new era of mutual cooperation: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Mikhail Khodorkovsky and Platon Lebedev are prisoners who have been denied basic due process rights under international law for political reasons;

(2) in light of the record of selective prosecution, politicization, and abuse of process involved in their cases, and as a demonstration of Russia's commitment to democracy, human rights, and the rule of law, the new criminal charges brought by Russian authorities against Mr. Khodorkovsky and Mr. Lebedev should be withdrawn;

(3) the standing of the Russian Federation as a nation supporting democracy, freedom of expression, an independent judiciary, human rights, and the rule of law would move closer to validation by paroling Mr. Khodorkovsky and Mr. Lebedev, both of whom have served more than half their sentences; and

(4) the Russian Federation is encouraged to take these actions to support democratic principles and human rights in furtherance of a new and more positive relationship between the United States and Russia and a new era of mutual cooperation.

SENATE RESOLUTION 190—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 190

Whereas, according to the National Cancer Institute—

(1) despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

(2) 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

(3) between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

(4) men die of heart disease at 1½ times the rate of women;

(5) men die of cancer at almost 1½ times the rate of women;

(6) testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

(7) the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost ½ of those men will die from the disease;

(8) the likelihood that a man will develop prostate cancer is 1 in 6;

(9) the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

(10) African-American men in the United States have the highest incidence in the world of prostate cancer;

(11) significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of such problems was more pervasive;

(12) more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 8 to 1;

(13) educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

(14) appropriate use of tests such as prostate specific antigen exams, blood pressure screenings, and cholesterol screenings, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many problems in their early stages and increase the survival rates to nearly 100 percent;

(15) women are twice as likely as men to visit the doctor for annual examinations and preventive services; and

(16) men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the governors of more than 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 15 through June 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week in 2009; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 191—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN-AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY DESIGNATING FUNDS FOR EDUCATION, AWARENESS OUTREACH, AND RESEARCH SPECIFICALLY FOCUSED ON HOW PROSTATE CANCER AFFECTS AFRICAN-AMERICAN MEN

Mr. KERRY (for himself, Mr. CARDIN, Mr. BURRIS, Ms. LANDRIEU, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 191

Whereas the incidence of prostate cancer in African-American men is 60 percent higher than in any other racial or ethnic group in the United States;

Whereas African-American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is 140 percent higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed at an earlier age and at a later stage of cancer progression than all other ethnic and racial groups, thereby leading to lower cure rates and lower chances of survival; and

Whereas according to a paper published in the Proceedings of the National Academy of Sciences, researchers from the Dana Farber Cancer Institute and Harvard Medical School have discovered a variant of a small segment of the human genome that accounts for the higher risk of prostate cancer in African-American men: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African-American men; and

(2) urges Federal agencies to designate additional funds for—

(A) research to address and attempt to end the health crisis created by prostate cancer; and

(B) efforts relating to education, awareness, and early detection at the grassroots level to end that health crisis.

Mr. KERRY. Mr. President, I invite my colleagues to celebrate Father's Day by cosponsoring a Senate resolution supporting men's health by recognizing that the occurrence of prostate cancer in African American men has reached epidemic proportions. The resolution also urges Federal agencies to address the health crisis by designating funds for education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men.

Prostate cancer affects thousands of American men each year and is currently the second leading cause of cancer related deaths. This cancer strikes 1 in every 6 men, making it even more prevalent than breast cancer, which strikes 1 in every 7 women. Last year alone more than 186,000 men were diagnosed with prostate cancer and more than 28,000 men died from the disease.

The incidence rate or African-Americans is 60 percent higher than any other racial or ethnic group in the U.S. African-Americans are more likely to be diagnosed at an advanced stage and thus have higher mortality rates than any other group.

That is why the Resolution recognizes prostate cancer's prevalence and debilitative impact within all communities, but especially for African-Americans, and urges Federal agencies to direct funds toward efforts to address this particular population.

Senators CARDIN, BURRIS, LANDRIEU and BOXER join me in introducing this resolution. Congress must take the lead in fighting prostate cancer. I hope all of my colleagues can support this resolution, as it calls for better education and research that will ensure the health of our Nation's fathers, brothers, and sons.

SENATE RESOLUTION 192—EXPRESSING THE SENSE OF THE SENATE REGARDING SUPPORTING DEMOCRACY AND ECONOMIC DEVELOPMENT IN MONGOLIA AND EXPANDING RELATIONS BETWEEN THE UNITED STATES AND MONGOLIA

Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 192

Whereas the United States Government established diplomatic relations with the Government of Mongolia in January 1987;

Whereas the Government of Mongolia declared an end to one-party Communist rule in 1990 and initiated democratic and free market reforms;

Whereas the United States Government has a continued commitment to ongoing economic and political reforms in Mongolia and has made sizeable contributions for that purpose since 1991;

Whereas, in 1991, the United States established Normal Trade Relations (NTR) status with Mongolia and began a Peace Corps program that now boasts over 100 volunteers and over 725 volunteers since its creation, and is one of the largest per capita Peace Corps programs worldwide;

Whereas the United States extended permanent NTR status effective July 1, 1999;

Whereas the United States has strongly supported the participation of Mongolia in the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development, among other international organizations;

Whereas the United States and Mongolia enhanced their trade relationship through the signing of a Trade and Investment Framework Agreement in 2004 to boost bilateral commercial ties and amicably resolve disagreements over trade;

Whereas the Government of Mongolia continues to work with the United States Government to combat global terrorism and, from April 2003 to October 2008, sent 10 consecutive deployments to Operation Iraqi Freedom and 7 indirect fire technical training teams to Afghanistan;

Whereas the Government of Mongolia continues to demonstrate a growing desire to join the United States in global peacekeeping activities by providing an ongoing deployment of soldiers to protect the Special Court for Sierra Leone, as well as providing deployments in support of the North Atlantic Treaty Organization mission in Kosovo and United Nations missions in a number of countries in Africa;

Whereas the Government of Mongolia signed denuclearization agreements in 1991 and 1992, making Mongolia a nuclear weapons-free zone;

Whereas Mongolia was deemed eligible for Millennium Challenge Compact assistance on May 6, 2004, submitted its official proposal on October 13, 2005, received approval for its proposal from the Millennium Challenge Corporation on September 12, 2007, and signed a Millennium Challenge Corporation Compact Agreement on October 22, 2007, during a visit to the United States by then-Mongolian President Nambaryn Enkhbayar;

Whereas President George W. Bush became the first-ever sitting United States President to travel to Mongolia on November 21, 2005;

Whereas the House Democracy Assistance Commission began a program to provide parliamentary assistance to the State Great Hural, the parliament of Mongolia, in 2007;

Whereas Senate Resolution 352, 110th Congress, agreed to October 18, 2007, expressed the sense of the Senate on ''the strength and endurance'' of the partnership between the United States and Mongolia during the 20th anniversary of relations between the two countries;

Whereas the United States and Mongolia signed an agreement to increase cooperation in preventing trafficking in nuclear technology on October 23, 2007;

Whereas, during the October 2007 visit by then-President Enkhbayar to Washington, DC, the United States and Mongolia agreed to a Declaration of Principles for further cooperation between both countries, including a commitment to expanded development and long-term cooperation in political, economic, trade, investment, educational, cultural, arts, scientific and technological, defense, security, humanitarian, and other areas;

Whereas the people of Mongolia completed a free, fair, and peaceful democratic election on May 24, 2009, which resulted in the election of opposition Democratic Party candidate Tsakhiagiin Elbegdorj;

Whereas Secretary of State Hillary Clinton announced on June 9, 2009, with the Minister for Foreign Affairs and Trade of Mongolia, S. Batbold, that the United States is ''committed to supporting the government and people of Mongolia as they seek assistance to develop, as they continue their democratization, and as they reach out to the rest of the world''; and

Whereas the United States Government and the Government of Mongolia share a common interest in promoting peaceful cooperation in Northeast Asia and Central Asia: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the growing partnership between the democratic governments and peoples of the United States and Mongolia deserves acknowledgment and celebration;

(2) the democratic election and peaceful transition of power in Mongolia is an important demonstration of the continuing commitment in that country to democratic reform and represents a significant achievement for that young democracy;

(3) the United States Government encourages further economic cooperation with the Government of Mongolia, including, as appropriate, enhanced trade and investment to promote prosperity for both of our economies;

(4) the United States Government should continue to work with the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development to assist the Government of Mongolia in improving its economic system and accelerating development;

(5) the United States Government should continue to provide Mongolia assistance under the Millennium Challenge Compact and encourage further effective and accountable governance; and

(6) the United States Government should expand upon existing academic, cultural, and other people-to-people exchanges with Mongolia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1338. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table.

SA 1339. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1340. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1341. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1342. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1343. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1344. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1345. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1346. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1338. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. __. LIMITATIONS ON EFFECT.

If imposing a government fee on an individual traveling to the United States, as required by this Act or any amendment made by this Act, would violate the established national tourism policy set out in section 1(b)(8) of the International Travel Act of 1961 (22 U.S.C. 2121(b)(8)) which states that it is a national tourism policy to ''encourage the free and welcome entry of individuals traveling to the United States, in order to enhance international understanding and goodwill, consistent with immigration laws, the laws protecting the public health, and laws governing the importation of goods into the United States'' by increasing the cost, in any way, for such individual, then this Act and the amendments made by this Act shall have no effect.

SA 1339. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 3, line 20, insert '', including expertise and experience with national historic and geographic landmarks'' after ''sector''.

SA 1340. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 23, strike line 1 and all that follows through page 25, line 10, and insert the following:

SEC. 7. OFFICE OF TRAVEL PROMOTION.

(a) ESTABLISHMENT.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

''SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion (referred to in this section as the 'Office').

''(b) UNDER SECRETARY FOR TRAVEL PROMOTION.—

''(1) IN GENERAL.—The head of the Office shall be the Under Secretary of Commerce for Travel Promotion, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The Under Secretary shall be a citizen of the United States and have experience in a field directly related to the promotion of travel in the United States.

''(3) LIMITATION ON INVESTMENTS.—The Under Secretary may not own stock in, or have a direct or indirect beneficial interest in, a corporation or other enterprise that—

''(A) is engaged in the travel, transportation, or hospitality business; or

''(B) owns or operates a theme park or other entertainment facility.

''(c) FUNCTION.—The Under Secretary shall—

''(1) serve as liaison to the Corporation for Travel Promotion, established under section 2 of the Travel Promotion Act of 2009;

''(2) support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(3) work with the Corporation, the Secretary of State, and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor; and

''(B) to ensure that arriving international visitors are processed efficiently and in a welcoming and respectful manner;

''(4) support State, regional, and private sector initiatives to promote travel to and within the United States;

''(5) supervise the operations of the Office of Travel and Tourism Industries; and

''(6) enhance the entry and departure experience for international visitors.

''(d) ADVISORY ROLE.—The Under Secretary shall perform a purely advisory role relating to any functions described in paragraphs (3) and (6) of subsection (c).

''(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to override the preeminent roles of the Secretary of Homeland Security in setting policies relating to—

''(1) the Nation's ports of entry; and

''(2) the processes through which individuals are admitted into the United States.

''(f) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the Under Secretary's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by inserting ''Under Secretary of Commerce for Travel Promotion,'' after ''Under Secretary of Commerce for Export Administration,''.

SA 1341. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, lines 23 and 24, strike ''State, and Federal agencies'' and insert ''State and Federal agencies, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)),''.

SA 1342. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, line 12, insert '', Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)),'' after ''States''.

SA 1343. Mr. THUNE submitted an amendment intended to be proposed by

him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SECTION 9. GOVERNMENT OWNERSHIP EXIT PLAN.

(a) DEFINITION.—In this section—

(1) the term ''ownership interest'' means an interest in a troubled asset described in section 3(9)(B) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(a)(1)), as in effect on the day before the date of enactment of this section, that was purchased by the Secretary under section 101(a)(1) of such Act (12 U.S.C. 5211(a)(1)); and

(2) the term ''Secretary'' means the Secretary of the Treasury.

(b) RE-PRIVATIZATION OF PRIVATE ENTITIES.—

(1) PROHIBITION ON FEDERAL GOVERNMENT HOLDING OWNERSHIP INTERESTS.—

(A) IN GENERAL.—Beginning on the date of enactment of this section, the Federal Government may not acquire, directly or indirectly, any ownership interest.

(B) DIVESTITURE.—Except as provided in paragraph (2), the Secretary shall divest the Federal Government of any ownership interest not later than July 1, 2010.

(2) LIMITED AUTHORITY.—

(A) IN GENERAL.—Beginning on July 1, 2010, the Secretary may hold an ownership interest with respect to a particular entity for a period of not more than 6 months if, not later than July 1, 2010, the Secretary submits a report to Congress with respect to that entity stating that—

(i) compliance with paragraph (1)(B) with respect to such entity would have a significant adverse impact on the taxpayers of the United States; and

(ii) there is a reasonable expectation that a waiver of paragraph (1)(B) would allow the Secretary to recover the cost to the Federal Government of acquiring such ownership interest.

(B) SINGLE RENEWAL.—The Secretary may renew an extension under subparagraph (A) for a single period of not more than 6 months, if the Secretary submits to Congress a report stating that the conditions described in clauses (i) and (ii) of subparagraph (A) still exist with respect to the subject ownership interest.

(3) CONFORMING AMENDMENT.—Section 3(9) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(9)) is amended—

(A) in subparagraph (A), by striking ''; and'' at the end and inserting a period;

(B) by striking ''means—'' and all that follows through ''residential'' in subparagraph (A) and inserting ''means residential''; and

(C) by striking subparagraph (B).

(4) DEPOSIT OF FUNDS.—

(A) IN GENERAL.—Section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)) is amended by striking ''outstanding at any one time''.

(B) DEPOSIT OF FUNDS INTO TREASURY.—

(i) IN GENERAL.—On and after the date of enactment of this section, all repayments of obligations arising under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), and all proceeds from the sale of assets acquired by the Federal Government under that Act, shall be paid into the general fund of the Treasury for reduction of the public debt, in accordance with section 106(d) of that Act (12 U.S.C. 5216(d)), as amended by this subsection.

(ii) CONFORMING AMENDMENT.—Section 106(d) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(d)) is amended by inserting '', and repayments of obligations arising under this Act,'' after ''section 113''.

(5) INFLUENCE OF MANAGEMENT DECISIONS.—Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

''SEC. 137. INFLUENCE OF MANAGEMENT DECISIONS.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered person' means any person who is an officer or employee (including a special Government employee (as defined in section 202(a) of title 18, United States Code)) of the executive branch of the United States (including any independent agency of the United States); and

''(2) the term 'significant management decision' includes the appointment of senior executives or board members, business strategies relating to production and manufacturing, plant closings, the relocation of the headquarters of an entity, the modification of labor contracts, and other financial decisions.

''(b) INFLUENCE PROHIBITED.—

''(1) IN GENERAL.—It shall be unlawful for any covered person to knowingly make, with the intent to influence, a communication regarding a significant management decision of a recipient of assistance under this title to any officer or employee of the recipient.

''(2) CRIMINAL PENALTY.—Any covered person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

''(c) CIVIL ACTIONS.—

''(1) IN GENERAL.—The Attorney General of the United States may bring a civil action in an appropriate United States district court against any covered person to enforce subsection (b).

''(2) CIVIL PENALTY.—Any covered person who, upon proof by a preponderance of the evidence, violates subsection (b) shall be subject to a civil penalty of not more than $50,000 for each violation. The imposition of a civil penalty under this paragraph shall not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

''(3) ORDERS.—If the Attorney General of the United States has reason to believe that a covered person is engaging in conduct that violates subsection (b), the Attorney General may petition an appropriate United States district court for an order prohibiting the covered person from engaging in the conduct. The court may issue an order prohibiting the covered person from engaging in the conduct if the court finds that the conduct constitutes a violation of subsection (b). The filing of a petition under this paragraph shall not preclude any other remedy which is available by law to the United States or any other person.''.

(6) FEDERAL DEPOSIT INSURANCE CORPORATION.—Nothing in this section may be construed to impede the ability of the Federal Deposit Insurance Corporation to maintain the stability of the banking system.

(c) OVERSIGHT BY FINANCIAL STABILITY OVERSIGHT BOARD.—Section 104(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5214(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) reviewing the implementation of section 3 of the Government Ownership Exit Plan Act of 2009.''.

(d) REPORTS REQUIRED.—

(1) REPORT ON FEDERAL GOVERNMENT OWNERSHIP.—

(A) REPORTS REQUIRED.—The Secretary shall make (and shall publicly disclose) periodic reports detailing any ownership interest held by the Federal Government, including any loan or loan guarantee made by the Board of Governors of the Federal Reserve System.

(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than October 1, 2009; and

(ii) each quarter of the fiscal year thereafter.

(2) REPORTS ON WINDING DOWN OR DIVESTMENT.—

(A) REPORTS REQUIRED.—The Secretary shall submit to Congress periodic reports on the plans of the Secretary for compliance with this section, including any plans to wind down or divest an ownership interest.

(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than April 1, 2010; and

(ii) each month thereafter until all ownership interests are divested under subsection (b)(1)(B).

(e) PLAN FOR GOVERNMENT SPONSORED ENTERPRISES.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to Congress a report describing a plan of the Secretary—

(1) to end the conservatorship by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(2) to eliminate any form of direct ownership by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

SA 1344. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ____—STAR-SPANGLED BANNER AND WAR OF 1812 BICENTENNIAL COMMISSION ACT

SEC. _01. SHORT TITLE.

This title may be cited as the ''Star-Spangled Banner and War of 1812 Bicentennial Commission Act''.

SEC. _02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the War of 1812 served as a crucial test for the United States Constitution and the newly established democratic Government;

(2) vast regions of the new multi-party democracy, including the Chesapeake Bay, the Gulf of Mexico and the Niagara Frontier, were affected by the War of 1812 including the States of Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Missouri, Mississippi, New Jersey, North Carolina, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, Wisconsin, West Virginia, and the District of Columbia;

(3) the British occupation of American territory along the Great Lakes and in other regions, the burning of Washington, DC, the American victories at Fort McHenry, New Orleans, and Plattsburgh, among other battles, had far reaching effects on American society;

(4) at the Battle of Baltimore, Francis Scott Key wrote the poem that celebrated

the flag and later was titled ''the Star-Spangled Banner'';

(5) the poem led to the establishment of the flag as an American icon and became the words of the national anthem of the United States in 1932; and

(6) it is in the national interest to provide for appropriate commemorative activities to maximize public understanding of the meaning of the War of 1812 in the history of the United States.

(b) PURPOSES.—The purposes of this title are to—

(1) establish the Star-Spangled Banner and War of 1812 Commemoration Commission;

(2) ensure a suitable national observance of the War of 1812 by complementing, cooperating with, and providing assistance to the programs and activities of the various States involved in the commemoration;

(3) encourage War of 1812 observances that provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the various War of 1812 sites;

(4) facilitate international involvement in the War of 1812 observances;

(5) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the War of 1812 observances; and

(6) promote the protection of War of 1812 resources and assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. __03. DEFINITIONS.

In this title:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the War of 1812.

(2) COMMISSION.—The term ''Commission'' means the Star-Spangled Banner and War of 1812 Bicentennial Commission established in section __04(a).

(3) QUALIFIED CITIZEN.—The term ''qualified citizen'' means a citizen of the United States with an interest in, support for, and expertise appropriate to the commemoration.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATES.—The term ''States''—

(A) means the States of Alabama, Kentucky, Indiana, Louisiana, Maryland, Vermont, Virginia, New York, Maine, Michigan, Ohio, Pennsylvania, and Rhode Island; and

(B) includes agencies and entities of each State.

SEC. __04. STAR-SPANGLED BANNER AND WAR OF 1812 COMMEMORATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the ''Star-Spangled Banner and War of 1812 Bicentennial Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 24 members, of whom—

(A) 13 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Governors of Alabama, Kentucky, Indiana, Louisiana, Maine, Maryland, Michigan, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia;

(B) 3 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Mayors of the District of Columbia, the City of Baltimore, and the City of New Orleans;

(C) 2 members shall be employees of the National Park Service, of whom—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration;

(D) 4 members shall be qualified citizens appointed by the Secretary with consideration of recommendations—

(i) 1 of which are submitted by the majority leader of the Senate;

(ii) 1 of which are submitted by the minority leader of the Senate;

(iii) 1 of which are submitted by the majority leader of the House of Representatives;

(iv) 1 of which are submitted by the minority leader of the House of Representatives; and

(E) 2 members shall be appointed by the Secretary from among individuals with expertise in the history of the War of 1812.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) VOTING.—

(1) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a chairperson and a vice chairperson from among the members of the Commission.

(2) ABSENCE OF CHAIRPERSON.—The vice chairperson shall act as chairperson in the absence of the chairperson.

(f) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed and funds have been provided, the Commission shall hold the initial meeting of the Commission.

(g) MEETINGS.—Not less than twice a year, the Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(h) REMOVAL.—Any member who fails to attend 3 successive meetings of the Commission or who otherwise fails to participate substantively in the work of the Commission may be removed by the Secretary and the vacancy shall be filled in the same manner as the original appointment was made. Members serve at the discretion of the Secretary.

SEC. __05. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan, encourage, develop, execute, and coordinate programs, observances, and activities commemorating the historic events that preceded and are associated with the War of 1812;

(2) facilitate the commemoration throughout the United States and internationally;

(3) coordinate the activities of the Commission with State commemoration commissions, the National Park Service, the Department of Defense, and other appropriate Federal agencies;

(4) encourage civic, patriotic, historical, educational, religious, economic, tourism, and other organizations throughout the United States to organize and participate in the commemoration to expand the understanding and appreciation of the significance of the War of 1812;

(5) provide technical assistance to States, localities, units of the National Park System, and nonprofit organizations to further the commemoration and commemorative events;

(6) coordinate and facilitate scholarly research on, publication about, and interpretation of the people and events associated with the War of 1812;

(7) design, develop, and provide for the maintenance of an exhibit that will travel throughout the United States during the commemoration period to interpret events of the War of 1812 for the educational benefit of the citizens of the United States;

(8) ensure that War of 1812 commemorations provide a lasting legacy and long-term public benefit leading to protection of the natural and cultural resources associated with the War of 1812; and

(9) examine and review essential facilities and infrastructure at War of 1812 sites and identify possible improvements that could be made to enhance and maximize visitor experience at the sites.

(b) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan and annual performance plans for any activity carried out by the Commission under this Act.

(c) REPORTS.—

(1) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall submit to the Secretary and Congress a final report that includes—

(A) a summary of the activities of the Commission;

(B) a final accounting of any funds received or expended by the Commission; and

(C) the final disposition of any historically significant items acquired by the Commission and other properties not previously reported.

SEC. __06. POWERS.

(a) IN GENERAL.—The Commission may—

(1) solicit, accept, use, and dispose of gifts or donations of money, services, and real and personal property related to the commemoration in accordance with Department of the Interior and National Park Service written standards for accepting gifts from outside sources;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action the Commission is authorized to take under this Act;

(4) use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government; and

(5) make grants to communities, nonprofit, commemorative commissions or organizations, and research and scholarly organizations to develop programs and products to assist in researching, publishing, marketing, and distributing information relating to the commemoration.

(b) LEGAL AGREEMENTS.—

(1) IN GENERAL.—In carrying out this Act, the Commission may—

(A) procure supplies, services, and property; and

(B) make or enter into contracts, leases, or other legal agreements.

(2) LENGTH.—Any contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the

head of the agency shall provide the information to the Commission in accordance with applicable laws.

(d) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(e) NO EFFECT ON AUTHORITY.—Nothing in this title supersedes the authority of the States or the National Park Service concerning the commemoration.

SEC. __07. PERSONNEL MATTERS.

(a) MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(A), a member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STATUS.—A member of the Commission, who is not otherwise a Federal employee, shall be considered a Federal employee only for purposes of the provisions of law related to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and termination of employees (including regulations), appoint and terminate an executive director, subject to confirmation by the Commission, and appoint and terminate such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) STATUS.—The Executive Director and other staff appointed under this subsection shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

(3) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of basic pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) SERVICE ON COMMISSION.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(B) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(C) CIVIL SERVICE STATUS.—Notwithstanding any other provisions in this section, Federal employees who serve on the Commission, are detailed to the Commission, or otherwise provide services under the Act, shall continue to be Federal employees for the purpose of any law specific to Federal employees, without interruption or loss of civil service status or privilege.

(2) STATE EMPLOYEES.—The Commission may—

(A) accept the services of personnel detailed from States (including subdivisions of States) under subchapter VI of chapter 33 of title 5, United States Code; and

(B) reimburse States for services of detailed personnel.

(d) MEMBERS OF ADVISORY COMMITTEES.—Members of advisory committees appointed under section __06(a)(2)—

(1) shall not be considered employees of the Federal Government by reason of service on the committees for the purpose of any law specific to Federal employees, except for the purposes of chapter 11 of title 18, United States Code, relating to conflicts of interest; and

(2) may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines necessary.

(f) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may employ experts and consultants on a temporary or intermittent basis in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title. Such personnel shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

SEC. __08. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title not to exceed $500,000 for each of fiscal years 2010 through 2015.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until December 31, 2015.

SEC. __09. TERMINATION OF COMMISSION.

(a) IN GENERAL.—The Commission shall terminate on December 31, 2015.

(b) TRANSFER OF MATERIALS.—Not later than the date of termination, the Commission shall transfer any documents, materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, exhibits, and any materials donated to the Commission that relate to the War of 1812, to Fort McHenry National Monument and Historic Shrine.

(c) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date of termination shall be deposited in the general fund of the Treasury.

SA 1345. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 26, after line 20, add the following:

SEC. 9. AUTOMOBILE DEALER ECONOMIC RIGHTS RESTORATION.

(a) FINDINGS.—Congress finds the following:

(1) Automobile dealers are an asset to automobile manufacturers that make it possible to serve communities and sell automobiles nationally.

(2) Forcing the closure of automobile dealers would have an especially devastating economic impact in rural communities, where dealers play an integral role in the community, provide essential services, and serve as a critical economic engine.

(3) The automobile manufacturers obtain the benefits from having a national dealer network at no material cost to the manufacturers.

(4) Historically, automobile dealers have had franchise agreement protections under State law.

(b) RESTORATION OF ECONOMIC RIGHTS.—

(1) IN GENERAL.—In order to protect assets of the Federal Government and better assure the viability of automobile manufacturers in which the Federal Government has an ownership interest, or to which it is a lender, an automobile manufacturer in which the Federal Government has an ownership interest, or which receives loans from the Federal Government, may not deprive an automobile dealer of its economic rights and shall honor those rights as they existed, for Chrysler LLC dealers, prior to the commencement of the bankruptcy case by Chrysler LLC on April 30, 2009, and for General Motors Corp. dealers, prior to the commencement of the bankruptcy case by General Motors Corp. on June 1, 2009, including the dealer's rights to recourse under State law.

(2) RESTORATION OF FRANCHISE AGREEMENTS.—In order to preserve economic rights pursuant to paragraph (1), at the request of an automobile dealer, an automobile manufacturer covered under this section shall restore the franchise agreement between that automobile dealer and Chrysler LLC or General Motors Corp. that was in effect prior to the commencement of their respective bankruptcy cases and take assignment of such agreements.

(3) CONSTRUCTION.—Except as set forth herein, nothing in this section shall be construed to make null and void—

(A) the court approved transfer of substantially all the assets of Chrysler LLC to New CarCo Acquisition LLC; or

(B) a transfer of substantially all the assets of General Motors Corp. that could be approved by a court after June 8, 2009.

SA 1346. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 9. REQUIRED PARTICIPATION BY UNITED STATES CONTRACTORS.

Section 402(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) UNITED STATES CONTRACTORS.—Any person, employer, or other entity that enters into a contract with the Federal Government shall participate in the E-Verify Program and shall comply with the terms and conditions of such election.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 18, 2009 at 9:30 a.m., to conduct a hearing entitled ''The Administration's Proposal to Modernize the Financial Regulatory System.''

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. HARKIN. 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 Thursday, June 18, 2009.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 18, 2009 at 9:30 am in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 10 a.m., in room 325 of the Russell Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. 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 Thursday, June 18, 2009, at 2:30 p.m., to conduct a hearing entitled ''Examining State Business Incorporation Practices: A Discussion of the Incorporation Transparency and Law Enforcement Assistance Act,'' S. 569.

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

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on Thursday, June 18, 2009, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 2 p.m.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

EMERGING THREATS AND CAPABILITIES SUBCOMMITTEE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Emerging Threats and Capabilities Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Caitlin Miller and Edwina Hambridge of my staff be granted floor privileges for the duration of today's session.

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

Mr. INOUYE. Mr. President, I ask unanimous consent that Henry Williams and Jessica Martinez of Senator BINGAMAN's office be granted privileges of the floor during the debate of the travel promotion bill.

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

RESTITUTION OF OR COMPENSATION FOR PROPERTY SEIZED DURING NAZI AND COMMUNIST ERAS

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 79, S. Res. 153.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 153) expressing the sense of the Senate on the restitution of or the compensation for property seized during the Nazi and Communist eras.

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

Mr. DORGAN. I ask the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 153) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 153

Whereas many Eastern European countries were dominated for parts of the last century by Nazi or Communist regimes, without the consent of their people;

Whereas victims under the Nazi regime included individuals persecuted or targeted for persecution by the Nazi or Nazi-allied governments based on their religious, ethnic, or cultural identity, as well as their political beliefs, sexual orientation, or disability;

Whereas the Nazi regime and the authoritarian and totalitarian regimes that emerged in Eastern Europe after World War II perpetuated the wrongful and unjust confiscation of property belonging to the victims of Nazi persecution, including real property, personal property, and financial assets;

Whereas communal and religious property was an early target of the Nazi regime and, by expropriating churches, synagogues and other community-controlled property, the Nazis denied religious communities the temporal facilities that held those communities together;

Whereas after World War II, Communist regimes expanded the systematic expropriation of communal and religious property in an effort to eliminate the influence of religion;

Whereas many insurance companies that issued policies in pre-World War II Eastern Europe were nationalized or had their subsidiary assets nationalized by Communist regimes;

Whereas such nationalized companies and those with nationalized subsidiaries have generally not paid the proceeds or compensation due on pre-war policies, because control of those companies or their Eastern European subsidiaries had passed to their respective governments;

Whereas Eastern European countries involved in these nationalizations have not participated in a compensation process for Holocaust-era insurance policies for victims of Nazi persecution;

Whereas the protection of and respect for private property rights is a basic principle for all democratic governments that operate according to the rule of law;

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures, and such laws themselves must be consistent with international human rights standards;

Whereas in July 2001, the Paris Declaration of the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the OSCE participating states;

Whereas the OSCE participating states have agreed to achieve or maintain full recognition and protection of all types of property, including private property and the right to prompt, just, and effective compensation for private property that is taken for public use;

Whereas the OSCE Parliamentary Assembly has called on the participating states to ensure that they implement appropriate legislation to secure the restitution of or compensation for property losses of victims of Nazi persecution, including communal organizations and institutions, irrespective of the current citizenship or place of residence of the victims, their heirs, or the relevant successors to communal property;

Whereas Congress passed resolutions in the 104th and 105th Congresses that emphasized the longstanding support of the United States for the restitution of or compensation for property wrongly confiscated during the Nazi and Communist eras;

Whereas certain post-Communist countries in Europe have taken steps toward compensating victims of Nazi persecution whose property was confiscated by the Nazis or their allies and collaborators during World War II or subsequently seized by Communist governments;

Whereas at the 1998 Washington Conference on Holocaust-Era Assets, 44 countries adopted the Principles on Nazi-Confiscated Art to guide the restitution of looted artwork and cultural property;

Whereas the Government of Lithuania has promised to adopt an effective legal framework to provide for the restitution of or compensation for wrongly confiscated communal property, but so far has not done so;

Whereas successive governments in Poland have promised to adopt an effective general property compensation law, but the current government has yet to adopt one;

Whereas the legislation providing for the restitution of or compensation for wrongly confiscated property in Europe has, in various instances, not always been implemented in an effective, transparent, and timely manner;

Whereas such legislation is of the utmost importance in returning or compensating property wrongfully seized by totalitarian or authoritarian governments to its rightful owners;

Whereas compensation and restitution programs can never bring back to Holocaust survivors what was taken from them, or in any way make up for their suffering; and

Whereas there are Holocaust survivors, now in the twilight of their lives, who are impoverished and in urgent need of assistance, lacking the resources to support basic needs, including adequate shelter, food, or medical care: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates the efforts of those European countries that have enacted legislation for the restitution of or compensation for private, communal, and religious property wrongly confiscated during the Nazi or Communist eras, and urges each of those countries to ensure that the legislation is effectively and justly implemented;

(2) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of confiscated properties, and urges those countries to ensure that their restitution or compensation programs are implemented in a timely, nondiscriminatory manner;

(3) urges the Government of Poland and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, non-discriminatory, and just legislation so that victims of Nazi persecution (or the heirs or successors of such persons) who had their private property looted and wrongly confiscated by the Nazis during World War II and subsequently seized by a Communist government are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(4) urges the Government of Lithuania and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, non-discriminatory, and just legislation so that communities that had communal and religious property looted and wrongly confiscated by the Nazis during World War II and subsequently seized by a Communist government (or the relevant successors to such property or the relevant foundations) are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(5) urges the countries of Europe which have not already done so to ensure that all such restitution and compensation legislation is established in accordance with principles of justice and provides a simple, transparent, and prompt process, so that it results in a tangible benefit to those surviving victims of Nazi persecution who suffered from the unjust confiscation of their property, many of whom are well into their senior years;

(6) calls on the President and the Secretary of State to engage in an open dialogue with leaders of those countries that have not already enacted such legislation to support the adoption of legislation requiring the fair, comprehensive, and nondiscriminatory restitution of or compensation for private, communal, and religious property that was seized and confiscated during the Nazi and Communist eras; and

(7) welcomes the decision by the Government of the Czech Republic to host in June 2009 an international conference for governments and non-governmental organizations to continue the work done at the 1998 Washington Conference on Holocaust-Era Assets, which will—

(A) address the issues of restitution of or compensation for real property, personal property (including art and cultural property), and financial assets wrongfully confiscated by the Nazis or their allies and collaborators and subsequently wrongfully confiscated by Communist regimes;

(B) review issues related to the opening of archives and the work of historical commissions, review progress made, and focus on the next steps required on these issues; and

(C) examine social welfare issues related to the needs of Holocaust survivors, and identify methods and resources to meet to such needs.

SUPPORTING GOALS AND OBJECTIVES OF PRAGUE CONFERENCE ON HOLOCAUST ERA ASSETS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, S. Con. Res. 23.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

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

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

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

The concurrent resolution (S. Con. Res. 23) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 23

Whereas the Government of the Czech Republic will host the Conference on Holocaust Era Assets in Prague from June 26, 2009, through June 30, 2009 (in this preamble referred to as the ''Prague Conference'');

Whereas the Prague Conference will facilitate a review of the progress made since the 1998 Washington Conference on Holocaust Era Assets, in which 44 countries, 13 non-governmental organizations, and numerous scholars and Holocaust survivors participated;

Whereas a high-level United States delegation participated in the Washington Conference, led by then-Under Secretary of State for Economic, Business and Agricultural Affairs Stuart Eizenstat, Nobel Peace Laureate Elie Wiesel, Federal Judge Abner Mikva, senior diplomats, and a bipartisan group of Members of Congress;

Whereas then-Secretary of State Madeleine Albright delivered the keynote address at the Washington Conference, articulating the commitment of the United States to Holocaust survivors and urging conference participants to ''chart a course for finishing the job of returning or providing compensation for stolen Holocaust assets to survivors and the families of Holocaust victims'';

Whereas the Prague Conference is expected to review the issues agreed on at the Washington Conference, including issues relating to financial assets, bank accounts, insurance, and other financial properties;

Whereas the Prague Conference is expected to include a special session on social programs for Holocaust survivors and other victims of Nazi atrocities;

Whereas at the Prague Conference, working groups are expected to convene to discuss Holocaust education, remembrance and research, looted art, Judaica and Jewish cultural property, and immovable property, including both private, religious, and communal property;

Whereas the participation and leadership of the United States at the highest level is critically important to ensure a successful outcome of the Prague Conference;

Whereas Congress supports further inclusion of Holocaust survivors and their advocates in the planning and proceedings of the Prague Conference;

Whereas the United States strongly supports the immediate return of, or just compensation for, property that was illegally confiscated by Nazi and Communist regimes;

Whereas many Holocaust survivors lack the means for even the most basic necessities, including proper housing and health care;

Whereas the United States and the international community have a moral obligation

to uphold and defend the dignity of Holocaust survivors and to ensure their well-being;

Whereas the Prague Conference is a critical forum for effectively addressing the increasing economic, social, housing, and health care needs of Holocaust survivors in their waning years;

Whereas then-Senator Barack Obama, during his visit in July 2008 to the Yad Vashem Holocaust Memorial in Israel, stated, ''Let our children come here and know this history so they can add their voices to proclaim 'never again.' And may we remember those who perished, not only as victims but also as individuals who hoped and loved and dreamed like us and who have become symbols of the human spirit.''; and

Whereas the Prague Conference may represent the last opportunity for the international community to address outstanding Holocaust-era issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and objectives of the 2009 Prague Conference on Holocaust Era Assets;

(2) applauds the Government of the Czech Republic for hosting the Prague Conference and for its unwavering commitment to addressing outstanding Holocaust-era issues;

(3) applauds the countries participating in the Prague Conference for the decision to seek justice for Holocaust survivors and to promote Holocaust remembrance and education;

(4) expresses strong support for the decision by those countries to make the economic, social, housing, and health care needs of Holocaust survivors a major focus of the Prague Conference, especially in light of the advanced age of the survivors, whose needs must be urgently addressed;

(5) urges countries in Central and Eastern Europe that have not already done so—

(A) to return to the rightful owner any property that was wrongfully confiscated or transferred to a non-Jewish individual; or

(B) if return of such property is no longer possible, to pay equitable compensation to the rightful owner in accordance with principles of justice and through an expeditious claims-driven administrative process that is just, transparent, and fair;

(6) urges all countries to make a priority of returning to Jewish communities any religious or communal property that was stolen as a result of the Holocaust;

(7) calls on all countries to facilitate the use of the Washington Conference Principles on Nazi-Confiscated Art, agreed to December 3, 1998, in settling all claims involving publically and privately held objects;

(8) calls on the President to send a high-level official, such as the Secretary of State or an appropriate designee, to represent the United States at the Prague Conference; and

(9) urges other invited countries to participate at a similarly high level.

SUPPORTING DEMOCRACY AND ECONOMIC DEVELOPMENT WITH MONGOLIA

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 192, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 192) expressing the sense of the Senate regarding supporting democracy and economic development in Mongolia and expanding relations between the United States and Mongolia.

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

Mr. DORGAN. I further ask that the resolution be agreed to, the preamble 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 measure be printed in the RECORD.

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

The resolution (S. Res. 192) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 192

Whereas the United States Government established diplomatic relations with the Government of Mongolia in January 1987;

Whereas the Government of Mongolia declared an end to one-party Communist rule in 1990 and initiated democratic and free market reforms;

Whereas the United States Government has a continued commitment to ongoing economic and political reforms in Mongolia and has made sizeable contributions for that purpose since 1991;

Whereas, in 1991, the United States established Normal Trade Relations (NTR) status with Mongolia and began a Peace Corps program that now boasts over 100 volunteers and over 725 volunteers since its creation, and is one of the largest per capita Peace Corps programs worldwide;

Whereas the United States extended permanent NTR status effective July 1, 1999;

Whereas the United States has strongly supported the participation of Mongolia in the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development, among other international organizations;

Whereas the United States and Mongolia enhanced their trade relationship through the signing of a Trade and Investment Framework Agreement in 2004 to boost bilateral commercial ties and amicably resolve disagreements over trade;

Whereas the Government of Mongolia continues to work with the United States Government to combat global terrorism and, from April 2003 to October 2008, sent 10 consecutive deployments to Operation Iraqi Freedom and 7 indirect fire technical training teams to Afghanistan;

Whereas the Government of Mongolia continues to demonstrate a growing desire to join the United States in global peacekeeping activities by providing an ongoing deployment of soldiers to protect the Special Court for Sierra Leone, as well as providing deployments in support of the North Atlantic Treaty Organization mission in Kosovo and United Nations missions in a number of countries in Africa;

Whereas the Government of Mongolia signed denuclearization agreements in 1991 and 1992, making Mongolia a nuclear weapons-free zone;

Whereas Mongolia was deemed eligible for Millennium Challenge Compact assistance on May 6, 2004, submitted its official proposal on October 13, 2005, received approval for its proposal from the Millennium Challenge Corporation on September 12, 2007, and signed a Millennium Challenge Corporation Compact Agreement on October 22, 2007, during a visit to the United States by then-Mongolian President Nambaryn Enkhbayar;

Whereas President George W. Bush became the first-ever sitting United States President to travel to Mongolia on November 21, 2005;

Whereas the House Democracy Assistance Commission began a program to provide parliamentary assistance to the State Great Hural, the parliament of Mongolia, in 2007;

Whereas Senate Resolution 352, 110th Congress, agreed to October 18, 2007, expressed the sense of the Senate on ''the strength and endurance'' of the partnership between the United States and Mongolia during the 20th anniversary of relations between the two countries;

Whereas the United States and Mongolia signed an agreement to increase cooperation in preventing trafficking in nuclear technology on October 23, 2007;

Whereas, during the October 2007 visit by then-President Enkhbayar to Washington, DC, the United States and Mongolia agreed to a Declaration of Principles for further cooperation between both countries, including a commitment to expanded development and long-term cooperation in political, economic, trade, investment, educational, cultural, arts, scientific and technological, defense, security, humanitarian, and other areas;

Whereas the people of Mongolia completed a free, fair, and peaceful democratic election on May 24, 2009, which resulted in the election of opposition Democratic Party candidate Tsakhiagiin Elbegdorj;

Whereas Secretary of State Hillary Clinton announced on June 9, 2009, with the Minister for Foreign Affairs and Trade of Mongolia, S. Batbold, that the United States is ''committed to supporting the government and people of Mongolia as they seek assistance to develop, as they continue their democratization, and as they reach out to the rest of the world''; and

Whereas the United States Government and the Government of Mongolia share a common interest in promoting peaceful cooperation in Northeast Asia and Central Asia: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the growing partnership between the democratic governments and peoples of the United States and Mongolia deserves acknowledgment and celebration;

(2) the democratic election and peaceful transition of power in Mongolia is an important demonstration of the continuing commitment in that country to democratic reform and represents a significant achievement for that young democracy;

(3) the United States Government encourages further economic cooperation with the Government of Mongolia, including, as appropriate, enhanced trade and investment to promote prosperity for both of our economies;

(4) the United States Government should continue to work with the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development to assist the Government of Mongolia in improving its economic system and accelerating development;

(5) the United States Government should continue to provide Mongolia assistance under the Millennium Challenge Compact and encourage further effective and accountable governance; and

(6) the United States Government should expand upon existing academic, cultural, and other people-to-people exchanges with Mongolia.

ORDERS FOR FRIDAY, JUNE 19, 2009

Mr. DORGAN. I ask unanimous consent that when the Senate completes

its business today, it adjourn until 9:30 a.m. tomorrow, Friday, June 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and there be 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.

PROGRAM

Mr. DORGAN. Mr. President, there will be no rollcall votes during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DORGAN. 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 6:53 p.m., adjourned until Friday, June 19, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

EDWARD M. AVALOS, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS, VICE BRUCE I. KNIGHT, RESIGNED.

DEPARTMENT OF TRANSPORTATION

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2013. (REAPPOINTMENT)

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS, VICE MARK V. ROSENKER, TERM EXPIRED.

FEDERAL MARITIME COMMISSION

RICHARD A. LIDINSKY, JR., OF MARYLAND, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012, VICE A. PAUL ANDERSON, RESIGNED.

DEPARTMENT OF ENERGY

JAMES J. MARKOWSKY, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JEFFREY D. JARRETT, RESIGNED.

WARREN F. MILLER, JR., OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY), VICE DENNIS R. SPURGEON.

ENVIRONMENTAL PROTECTION AGENCY

ROBERT PERCIASEPE, OF NEW YORK, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MARCUS C. PEACOCK, RESIGNED.

DEPARTMENT OF STATE

MIGUEL HUMBERTO DIAZ, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

DEPARTMENT OF COMMERCE

DAVID J. KAPPOS, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE, VICE JONATHAN W. DUDAS, RESIGNED.

DEPARTMENT OF DEFENSE

JUAN M. GARCIA III, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE WILLIAM A. NAVAS, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. RONNIE D. HAWKINS, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. BARBERO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICKY LYNCH