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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

### PRAYER

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

Let us pray.

Gracious God, our shelter in the time of storm, hold our Senators within Your providential hand, guiding them from perplexity to wisdom. Give them strength to overcome the challenges they face, enabling them to be true guardians of liberty. Lord, keep them faithful in service, inspired by the knowledge that in due season they will reap if they persevere. Give them a vision greater than they possess that they may see clearly what You want them to accomplish. Infuse them with the faith to realize that with You all things are possible.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 9, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Sen-

ator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to a period of morning business until 11 o'clock this morning. Senators during that time will be able to speak for up to 10 minutes each. The Republicans will control the first half and the majority will control the second half. Following morning business, the Senate will resume consideration of H.R. 4213, the tax extenders bill. There will then be a series of up to four rollcall votes in relation to amendments to the bill. Those votes will start at 11 o'clock. Following the series of votes, the Senate will recess until 2:15 p.m. in order to accommodate the weekly caucus meetings. At 2:30 p.m., the Senate will proceed to a cloture vote on the substitute amendment. As a reminder, the filing deadline for second-degree amendments is 12 o'clock noon today.

### RECOGNITION OF THE MINORITY LEADER

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

### HEALTH CARE

Mr. MCCONNELL. Mr. President, the debate over health care has been going on for a long time now. It is easy to

lose sight of where we started, so I would just like to remind people today of what this debate was supposed to be about.

It was supposed to be about cost. This debate was supposed to be about bringing the cost of health care down, about keeping health care costs from bankrupting families and government. So if you are looking for a reason as to why Americans overwhelmingly oppose this bill and why Democrats are having such a hard time rounding up votes within their own party for this bill, it is because no one believes this bill will lower the cost of health care. It is that simple.

When you hear people talk about the cost of health care, they usually are referring to three things: the overall health care expenses Americans will have to shoulder if this bill passes, overall spending by the Federal Government on health care if this bill passes, and the amount of money people will have to spend on health insurance premiums if this bill passes. On all three counts, the bill the White House and its allies in Congress want us to vote for would drive costs up actually. The administration's own scorekeeper at the Centers for Medicare & Medicaid Services says overall health spending will go up by more than \$200 billion under this bill—overall health care spending up \$200 billion under this bill, according to the administration. The independent Congressional Budget Office says Federal spending on health care will increase by about \$200 billion over the next 10 years. CBO also says health insurance premiums for millions of Americans across the country will go up 10 to 13 percent as a result of all the new government mandates contained in this bill—and continue to rise at the current unsustainable rate for nearly everyone else, despite more than \$2 trillion in new government spending.

Another thing Americans are rightly concerned about is the debt. It is completely out of control. Some say this

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



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bill lowers the debt, but let me remind my colleagues that the extenders bill we will be voting on today—the bill we will be voting on today—will add more to the debt than even the White House claims its health spending bill will save. Let me say that again. The bill we are going to pass today, the extenders bill, will add more to the debt—will add more to the debt—than even the White House claims its health spending bill will save.

So if cost is what you are concerned about, then you cannot vote for this bill. It is that simple. Americans have it figured out, and that is why they are asking themselves why anyone in Congress would even think about voting for this bill. This should not even be a tough call.

Let's start over and work together on a step-by-step solutions process that focuses on cost, that actually lowers costs, not the other way around. Let's put together a bill Americans will support.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders, with the Republicans controlling the first portion and the majority controlling the second portion.

The Senator from Wyoming.

#### HEALTH CARE

Mr. BARRASSO. Mr. President, I just heard the Republican leader talk about the issue of health care in America and the goal which we heard so much about of getting the cost of care under control.

I have practiced medicine for 25 years in Casper, WY. I was in Wyoming yesterday visiting with physicians, visiting with nurses, visiting with those who are patients, as well as those who are providers, and talking with them about what is happening in this country and in this body with the discussion about health care in America and the legislation. No matter whom I talk with in Wyoming, when they look at this massive, 2,000-page bill and they think about it and then they ask questions about it, they say: How in the world is this actually going to get the cost of care down? How is this going to help them save money? Because as they read it and as they look at the rules and the regulations and the new mandates for more bureaucracies—they say it is going to be more government

employees at a time when there is 10 percent unemployment in the country—they say: It is going to likely cause my own cost of health care to go up, my own insurance coverage to go up. They have great concerns that the quality of their own care will go down—go down. Americans, and certainly the people in Wyoming, are very worried that if this bill becomes law, the cost of their care is going to go up and the quality and availability of their care is going to go down. That is not what they want.

The President was speaking in Philadelphia yesterday. The front page of one of the papers this morning says: "[The President] Turns Up the Volume in Bid for His Health Measure." And he said, as a challenge to Democrats, "If not us, who?"

Mr. President, it should be all of us. This should not be something that is being rammed through the House and the Senate and force-fed to the American people at a time when 75 percent of them want nothing to do with this bill. Three out of four Americans say: Stop, we don't want this, because they are worried about the cost of their own care and the availability and the quality of the care they are receiving.

So when the President gives his speeches, as he did yesterday, I would say: Involve all of us. Involve all of us in the discussion, which is what we should have been doing for over a year.

I look at what he said in his speech, and he talked about an insurance broker who apparently told some others there was so little competition—this is the President now talking, saying there is so little competition in insurance, that allows people to drive up the cost. The solution to that is the Republican solution that says: Increase the competition, increase the competition. That is what we need. Patients, people, citizens of this country want to be able to shop around, buy insurance across State lines, look for what is best for them and best for their families. If we did that, if we did that today, there would be 12 million more Americans with insurance by merely being allowed to have more competition, to be able to shop across State lines and to look around for something that is best for them and for their families—not the limited choices they may have in the State in which they happen to live.

So I look at this from the standpoint of practicing medicine for 25 years, visiting with patients, visiting with providers, talking with nurses, talking with doctors, saying there are things we can do to get down the cost of care. Unfortunately, they are not included in this 2,000-page bill that is now sitting over in the House, with all of these different approaches to force this through in a way that undermines what the American people want, what the American people are asking for—the opinions of the American people—by a group of people in this body who say: We know better than the American people.

This body does not know better than the American people. The House does not know better than the American people. It is time to listen to the American people, which is why I go home every weekend to visit with those folks in my State, in my home State of Wyoming, to visit with them about their needs, their concerns. And they have great concerns about this bill.

It is not just people in my home communities. Warren Buffett, the great investor, says Washington should scrap this health care bill and start over. He said they should focus, as our Republican leader said a few minutes ago, on the costs. He said we should say we are going to focus on the costs and not dream up 2,000 pages of other things. Warren Buffett says get rid of the nonsense, and this bill is loaded with nonsense. This bill is loaded with nonsense—nonsense that is going to drive up the cost of care and decrease the quality of care in this country.

So we have now been going through this for a year. The President is out trying to make an appeal to the Nation to say: Yes, buy this package I am trying to sell. The American people are too smart for that. They realize this package cuts \$500 billion from Medicare patients who depend on Medicare for their health care—\$500 billion in Medicare cuts. Part of it is to hospitals and part of it is to a program called Medicare Advantage. There are 10 million Americans on Medicare Advantage. The reason they signed up for this, they choose this, is because there is an advantage for them as seniors to participate in this program because this is a program that actually works with preventive care, with coordinating care, things that regular Medicare does not do. They are going to cut over \$100 billion from our nursing homes and money from home health, which is a lifeline for people at home. They are going to cut money from hospice for people in their final days of life. That is part of this big bill the President is supporting and that he is asking the House to vote for. It is a bill that raises taxes by another \$500 billion. It is a bill the House is going to be asked to pass that includes every one of the sweetheart deals because their first act in the House is going to have to be to pass the bill the Senate passed on Christmas Eve and that includes all the sweetheart deals, whether it is to Nebraska or Louisiana or Florida. Thirteen different Senators had sweetheart deals put into that bill the Democrats are going to be asked to vote for because the Republicans see through this whole thing.

So the opposition to this is bipartisan. It is bipartisan opposition. Those who support it is one party only.

We are looking now at a mandate where every American is going to be forced—forced—to buy a product, to buy insurance—forced under this—or they will either have to pay special taxes, have their wages garnished or pay a fine or a penalty under this plan

that the American people, three out of four, have absolutely rejected.

I see my colleague from Arizona has taken to the floor, and I would ask him if he is hearing similar things when he goes home to Arizona to visit with the people and what concerns he is hearing because there are certainly many seniors in the fine State of Arizona.

Mr. KYL. Mr. President, I appreciate my colleague asking. There are 330,000 seniors in the State of Arizona who rely on Medicare Advantage. It is exactly as Dr. BARRASSO said: Medicare Advantage is a program that helps people with preventive care, with coordinated care, and with some of the things that aren't available under regular care, including vision care, audio care, and the like. These benefits would be drastically cut under the proposal in this legislation, so they are naturally very much opposed to it. I think Arizona represents the second largest State in terms of the number of seniors participating in Medicare Advantage.

The other part of this that concerns them is the fact that if it is such a good idea to eliminate this program—or to drastically curtail it, to be perfectly accurate—then why is it that in one State the Senator was able to get his senior citizens who have Medicare Advantage programs exempted from the bill? If it is such a wonderful idea, why shouldn't it apply to everybody? But the seniors in Florida would be grandfathered in their Medicare Advantage plans because, of course, they don't like these cuts any more than seniors in Arizona or Wyoming or any other State.

So this brings up the question: How can these provisions that are objected to by the American people be fixed in the process that has now been settled upon, this so-called reconciliation process?

If I could address that for a moment. The author of this so-called reconciliation process is our esteemed colleague, the senior Senator from West Virginia, ROBERT BYRD. Here is what he had to say about using the process he created, this reconciliation process, for the purposes of consideration of health care legislation. I quote him from the Washington Post, March 22, 2009:

I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

Using the reconciliation process to enact major legislation prevents an open debate about the critical issues in full view of the public. Health reform and climate change are issues that in one way or another touch every American family. The resolution carries serious economic and emotional consequences.

The misuse of the arcane process of reconciliation—a process intended for deficit reduction—to enact substantive policy changes is an undemocratic disservice to our people and to the Senate's institutional role.

That is what Senator BYRD had to say. Yet that is the process that has been selected by the Democratic leaders to force this legislation through the Congress.

The final point I wish to make with respect to this is I think, to some extent, it may be a cruel hoax on some of our Democratic colleagues in the House of Representatives who are counting on the Senate to back up the reconciliation bill that might be passed in the House of Representatives. What they are assuming is, when they attempt to fix the Senate bill they don't like very much by amending it through this reconciliation process and then sending that bill over to the Senate, the Senate is simply going to pass the bill. Voila: The bad Senate bill has been fixed, the President can sign the reconciliation bill, and we will now have national health care reform.

Well, not so fast. As a matter of fact, the author of this reconciliation process also created what is known around here as the Byrd rule, which means that if you go outside the narrow lanes of the reconciliation process and try to include things in the bill that don't belong in the reconciliation process, then it is, of course, subject to a point of order, as it should be, and it would take 60 Senators to override that point of order.

Well, there are a lot of things that are going to be attempted to be fixed in the reconciliation bill that are subject to a point of order—the Byrd rule. Those points of order will be upheld because I am going to predict to my colleagues that 41 Republican Senators are not going to allow that misuse of the reconciliation process—going outside what is clearly a reconciliation process—which means the bill that is passed in the House of Representatives, if it is, would not be passed by the Senate. Key provisions of it would have been stricken on points of order. Then, our friends in the House of Representatives would be faced with the prospect that they had already passed this bad Senate bill they don't like very much—and that I don't like very much—but the President can sign that into law. Yet the process by which they would attempt to fix it has failed because of the points of order that can be raised and that will be raised and that will be sustained, as should be the case, under the application of the so-called Byrd rule.

So when my colleague from Wyoming talks about his constituents in Wyoming objecting not only to the substance of the bill but also the process by which it has been handled, I can answer the question: Yes, I met with a whole group of people from different States this weekend—from Pennsylvania, California, New Jersey, New York—I visited with folks from literally all over the country, and they had the same objections, both as to the substance of the legislation, but they were also very curious about this reconciliation process because they had heard it could be used to ram the bill through by a process that it was never intended for, and they wanted to talk about that. When we explained the fact that the legislation adopted by the House—if it is—would not necessarily

be adopted in the Senate but would be subject to these points of order—and, by the way, amendments, an unlimited number of amendments—then at least they understood why House Democrats who will insist on amending the Senate bill should not rely on the Senate to do their bidding. That isn't going to happen.

Let me say one other thing before I turn it back over to my colleague from Wyoming. It has been such a learning experience for us and an inspiration to have a couple real physicians in the Senate. Our only two physicians here are Dr. BARRASSO, an orthopedic surgeon from Wyoming, and Dr. TOM COBURN, a physician from the State of Oklahoma, to talk about the real world of treating patients and how there are ways that care can be given in a less expensive way but retaining both the essential quality of care and that intangible but incredibly important—almost sacred—relationship between the doctor and the patient.

I see Dr. COBURN has joined us on the floor. It is key for the rest of us to understand how this process works when physicians sit down with patients and determine the best course of action to preventive care, that can both be the least expensive and yet still deliver the quality care that their patients deserve.

I think we ought to pay more attention to the advice they have provided to us, and I commend both Senator BARRASSO as well as Dr. COBURN for the advice they have given to us, and I hope we will continue to listen to that advice as this debate unfolds.

Mr. BARRASSO. Mr. President, I would say to my colleague from Arizona—and there is actually a Mayo Clinic in Arizona, as there is in Florida and as there is in Rochester, MN, which is the home of the Mayo Clinic—one would think, since the President early on talked so much about the Mayo Clinic being a model for health care in the country, the Mayo Clinic might agree with what the President had to say. But if you go to the Mayo Clinic's blogs, they say:

The proposed legislation misses the opportunity—

We have an opportunity now—

to help create high-quality, more affordable health care for patients. In fact, it will do the opposite.

So here you are. The proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

Mr. KYL. If my colleague would yield for a quick comment on that point.

Mr. BARRASSO. Absolutely.

Mr. KYL. The Mayo Clinic in Arizona, unfortunately, has had to announce that in several of its key facilities there, it will no longer accept new Medicare patients. Why is that so? Because the government program of Medicare, which our seniors rely on, is getting to the point where it does not

pay physicians what they require just to stay in business, just to have their office practice continue.

The Medicaid Program, which is the other government program, is already so low in its reimbursements to physicians that—the numbers differ, but 50 to 60 percent of physicians are no longer taking Medicaid patients. As a result, these government programs end up getting very close to rationing care because there aren't enough physicians and facilities to take care of the people who are enrolled in the programs. Imposing yet another entitlement for even more people to have this care with fees regulated by the Federal Government and reimbursements at levels too low for physicians to take advantage of will simply continue to drive physicians away from the treatment of the patients they have treated over the years and want to continue to treat.

It would be our hope we could bring the incentive for physicians to continue to treat these patients, rather than the disincentives the Mayo Clinic is pointing to in backing out of the treatment of folks in Arizona.

Mr. COBURN. Mr. President, if the Senator will yield, one of the important points he made a moment ago is a doctor sitting down and listening to their patient. Mayo has it right. If you are not going to pay us enough to sit down, we refuse to practice medicine the way Medicare is directing us to practice: Listen a little bit and then cover it with tests.

The reason costs are out of control is because Medicare wouldn't pay for a physician to sit down and truly listen and come to a centered point on what the patient's problem is and the way to get around it. Consequently, what we have seen in the Medicare Program is doctors have to see so many patients that they don't get to listen to them and they consequently cover that lack of listening by ordering more tests.

What do we know about tests? We know we order \$¼ trillion worth of tests every year that aren't needed. There are two reasons we are ordering them. No. 1, the reimbursement to sit down to listen to the patient is so low the doctors can't afford to take the time to cover the test; and No. 2 is the threat of tort litigation. So now we are ordering tests not for patients, but we are ordering them for doctors. If we want to change health care, we have to drive costs down. I am proud Mayo recognizes we are not going to sacrifice our quality, so, therefore, we are saying: No, we are not going to take any more Medicare patients because we can't do it in a way that lends a quality outcome at an appropriate cost.

Mr. KYL. Mr. President, I remember sitting back in the cloakroom and listening to Dr. COBURN when he was talking about how he treats patients who come into his office. A child, he said, comes in who has had a fall on the playground and the parents, understandably, are very concerned. Dr. COBURN said to me: If I just sit down

and talk to that young man, that child, talk to his parents for a while, I can usually figure out what kind of treatment is going to be necessary without necessarily ordering a bunch of tests. But under the medical malpractice situation we have to work under today, I am almost required to order those tests or, if something should go wrong, be accused of malpractice. I wonder if my colleague could relay that story.

Mr. COBURN. Every summer, we have thousands of kids hit the ER, whether they ran into a pole or they had a baseball bing them in the head. The standard of care now is to put that child through a CT scan. These are children the vast majority of whom have no neurologic signs whatsoever. But now we are not only spending that \$1,200 per child, we are exposing those children to radiation they don't need.

So there are two untoward events for what has happened as we see the hijacking of medicine by the trial bar. No. 1 is we spend a whole lot more money unnecessarily, but No. 2 is we are actually now starting to hurt people by exposing them to radiation they don't need.

That is another cost. We know we can bring down costs if we change the tort system in this country to one that is sensible and reasonable and still allows, when doctors make mistakes, for them to be compensated for their economic damages and the harm that was caused to them. No one is saying we should eliminate that. What we are saying is, it should be appropriate and in a venue that represents the real risks without disturbing the practice of medicine because we cannot afford it, and the children who are getting these tests, their bodies cannot afford it. It is just common sense that we would go that way.

I wonder if the Senator will yield for a moment before we lose our time that I might discuss the amendment I am going to have up in a moment.

Mr. KYL. Mr. President, might I just inquire how much time remains on the Republican side?

The ACTING PRESIDENT pro tempore. There is 3 minutes 15 seconds remaining.

Mr. COBURN. Mr. President, I ask unanimous consent to take that time, if I may.

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

#### TAX EXTENDERS ACT

Mr. COBURN. Mr. President, we are going to have an amendment on the floor in just a moment that simply requires the Senate to post every time they create a new program and every time they spend money outside of pay-go so that we truly are transparent with the American people about what we are doing.

With great fanfare, we passed pay-go. We made it a statute. The last three bills in a row, we have allocated up to

\$120 billion outside of pay-go. With all the claims, with all the fanfare, we said we are going to now start paying for everything we do, and the first three bills to come before the Senate, what do we do? We simply say: Rules off; doesn't count; we are going to spend our grandkids' money.

For the life of me, I do not understand the controversy around this amendment. It is about us being transparent with the American people. No more games. No more saying we are doing one thing and doing another. All this amendment says is, when we violate our own rules and we spend money we do not have and we do not pay for programs by eliminating programs that are not effective, that are not a priority, that we are going to list it on our Web site. Nothing could be simpler.

We have offered the Secretary of the Senate our staff to do that work. It takes about 5 minutes a day to post that information and probably 5 minutes every third or fourth day. We will happily pay for that or we will offer one of our staff to put that information on the computer.

We are going to have a side-by-side amendment that does nothing. We understand that. That gives people a way to not vote for our amendment.

If we want to solve the problems in America and we want to solve our financial problems, the first thing we have to do is have real information about what this body is doing. This amendment will do that.

I yield back the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that my amendment No. 3431 be in order when we return to H.R. 4213, with up to 10 minutes to speak regarding that amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Mr. President, I object on behalf of the managers who are not present at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. NELSON of Nebraska. Mr. President, I still ask for up to 10 minutes to speak on behalf of this amendment, even though the action has been heard and registered.

The ACTING PRESIDENT pro tempore. The Senator may speak.

Mr. NELSON of Nebraska. The amendment I rise today to speak on is straightforward. It would provide an offset for all known emergency provisions included in the bill, H.R. 4213. The amendment would direct the Office of Management and Budget to rescind \$35 billion in unobligated American Recovery and Reinvestment Act funds on a prorated basis. The amendment would exclude military construction and veterans affairs stimulus funding from the rescission.

This rescission would offset all remaining nonemergency items in the

American Workers, State, and Business Relief Act, which is H.R. 4213.

As a result of my amendment, all provisions in the bill would be paid for minus the emergency extension of unemployment insurance and COBRA.

My colleagues on the other side of the aisle just made the best case I have heard for this amendment. They raised concerns about the underpayments for Medicare and Medicaid patients and patient care. In this underlying bill, doctors would have their fees increased for payment purposes so the concerns that were raised by my colleague from Arizona would be, in part, answered by the increased payments the Mayo Clinic was not receiving and, therefore, made the decision to reduce their care to Medicare patients.

It seems to me it would be appropriate to support this bill. I suspect they will not, but it would seem appropriate to support this bill then and also support having it paid for under pay-go rules applying to the unused stimulus funds that would be available through this act.

If we are going to see that Medicare patients are treated and are not excluded from treatment, it is going to be because the providers are adequately compensated. That is one of the provisions of this bill. What we are seeking to do is to make sure that is paid for, among other things.

The Governors of the States have come to us and said they cannot afford to make their part of the Medicaid match that they are required to make under the Medicaid Program that is approved in virtually every State. As a result of that, a good portion of this bill is seeking money to pay the States, compensate them for that unfunded mandate that the States are currently facing.

In other words, they come in and say: You forced us to do this. We don't have the money to do it. We are asking that you make it good. You pay for it.

The challenge is, if Medicaid is decreased or payments to providers are decreased, then the concerns they raised about the Medicaid Program underfunding providers will be a self-fulfilling prophecy. It seems to me there is an opportunity for the other side to take a very positive look at this particular bill.

I can look at it positively if we pay for it. My concerns are that we pay for the nonemergency provisions within this bill, that we pay for the FMAP fix, that we pay for the other parts of this bill minus the emergency extension of unemployment insurance and COBRA. That would make us consistent with the pay-go rules we forced upon ourselves—I think appropriately so. But it is important that we follow the rules we set for ourselves. This is one of the ways we do it—by paying for these non-emergency items in the underlying bill.

That is my argument. That is why I have offered this legislation. I think it is unfortunate the other side has cho-

sen to object to it, but they have and that is it. The amendment will fail unless the other side finds that it makes sense to simply begin to pay for things. I thought the other side was interested in seeing that these requirements are paid for, particularly when they make such a strong case for the payment to physicians for Medicare and Medicaid patients. That does not seem to be the case.

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

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

#### AMENDMENT NO. 3430, AS MODIFIED

Mr. ISAKSON. Mr. President, I ask unanimous consent that my amendment No. 3430 be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

Strike title III and insert the following:

#### TITLE III—PENSION FUNDING RELIEF

##### Subtitle A—Single Employer Plans

#### SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of

the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined

without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) 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) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base



for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year pe-

riod beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan

year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) 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, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in

the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of



applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

#### SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section

501(c)(3) of the Internal Revenue Code of 1986.”

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

#### Subtitle B—Multiemployer Plans

#### SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years ending after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Rev-

enue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years ending after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

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“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multi-employer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year ending after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

Mr. ISAKSON. 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.

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

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

Mrs. BOXER. Mr. President, I know you and I and others in this Chamber are focused like a laser beam on getting this economy turned around. Although we see some promising signs—for example, in my State of California it turns out that last month 32,000 new jobs were created—we still are not moving quickly enough on the jobs front. That is why I am particularly pleased that Leader REID is focused on jobs, jobs, jobs, and we are going to finish, hopefully, the bill that is before us which is very critical to jobs.

Then we are going to move on to the FAA reauthorization—the Federal Aviation Administration reauthorization—which is going to create 160,000 new jobs as we modernize our Nation's airports. After that, we are going to stop for a brief moment and take up the HIRE Act that we passed over here, and it has been passed in the House with a couple of pay-go changes. That will extend the highway trust fund until the end of this year and will save 1 million jobs.

Mr. President, we can't play politics with the highway trust fund. The Nation needs us to build our highways, our bridges, and our roads. So we are doing the right thing.

There is one piece of unfinished business that is directly related to our economy. There is no question that health care is directly related to our economy, and we need to fix a health care system that is broken.

Now, I have listened to my Republican friends on this for a very long time, and they have a message for the American people. I would like to distill that message.

That message is, when it comes to health care reform, when it comes to fixing the health care system, be afraid. Be very afraid.

Mr. President, that is not the American way. When there is a challenge in front of us, we act. We don't cower in the corner in fear. I think it is important to note that if one were to be afraid, it should not be of fixing the system—which, in our mind, means if you like your health insurance, you can keep it, and we are going to make sure that it is affordable and that more people can obtain it. If there is one thing to be fearful of, it is doing nothing. It is the status quo.

Let me explain why. Every day in America 14,000 people lose their health insurance. That could be any one of us, for any of a number of reasons. We might lose our job, or our spouse might lose their job, and that means we can't have health insurance anymore.

An insurance company can rescind your policy. They can walk away and say: Oh, by the way, 10 years ago when you signed up, you didn't mention that you had one blood test that was a little awry and, therefore, we are walking away from you.

You may have a cap on your policy and reach that cap, because you didn't read the fine print and so you are out;

it is over. Any one of us could be one of the 14,000 people who loses their health insurance.

Now, that would not happen in the Senate. Oh no. Every one of my colleagues is protected because we have a system that, yes, is a public option, where the rules are made by the Federal Employees Health Benefits Program and people can't mistreat us. But for some reason, my colleagues on the other side of the aisle don't seem to believe it is fair to give that kind of protection to ordinary families, so they are scaring people to death.

So let me say again: If there is anything to be afraid of, it is doing nothing because you could be one of the 14,000 people—in my State about 1,400—who every day lose their insurance. Or, Mr. President, you could be one of the people who goes bankrupt because of a health care crisis. Sixty-two percent of bankruptcies in America today are directly linked to a health care crisis and most of those people have insurance. I repeat: Most of those people have insurance.

I read a little story—I don't know if it is true—that Sarah Palin, the former Republican Vice Presidential nominee, said when she was young her family went to Canada to get their health care. I don't know if it is true, but I find it interesting if it is true. But here is the point: Doing nothing is not an option.

Let me tell you what is happening. In California, a company—Anthem Insurance—has increased rates in the individual market by—hold on to your hat—29 percent. Imagine, 29 percent in one clip. This leads me to a study that was done by a nonpartisan group. That study showed what happens if we do nothing—which is, in fact, my Republican friends' idea because they say start over. Well, we started this under Teddy Roosevelt. It is time we acted. But this nonpartisan group said if we do nothing, the average cost of insurance would be 45 percent of a family's income by 2016. Imagine that. Yet my colleagues on the other side say: Well, if you go with the President's bill and the Democrats' bill, insurance rates will go up.

The fact is, rates would not go up as much if you have the same policy. If you have a better policy, they may go up a little over time, but they are never going to be—never, never, never—45 percent of your income. There are two reasons for that: No. 1, we are going to watch insurance companies like a hawk, and that is the right thing to do. They are not selling us something that is a luxury. They are selling us a product that is a matter of life or death, and we ought to look over their shoulder a little more to make sure they are fair. So that is one reason.

The other reason is, we are going to help people—the middle class—families making up to \$88,000 a year. We are going to make sure you get tax credits to help you pay for your premiums. That is a big deal. That is a good thing.

So, remember, when the Republicans say: Be very afraid, don't be very afraid of reform, be very afraid of doing nothing. That is a reason to be very afraid.

Then my Republican friends will say: They didn't take any of our ideas. Well, it turns out when the bill was being written in the Senate, well over 100 amendments—I think it was 160 amendments—of the Republicans were incorporated into the work of the HELP Committee. Oh, that is not good enough for them. We took 160 of their ideas, why can't they take an equal amount of our ideas? Why can't we work together, come to the table across party lines? It doesn't work that way.

Then the President had them up for, I thought, a very instructive meeting, and the President took three or four more very big ideas of the Republicans—dealing with HSAs, dealing with medical malpractice, dealing with selling insurance across State lines, and a couple of other things. Yet they still say: It is not enough.

Then they say: Be very afraid, people. Be very afraid because the Senate might do this with a majority vote. Well, I would suggest that all of us are here because we won a majority vote. I don't hear any of my colleagues suggesting we need 60 percent of the vote to win. We are here.

I support minority rights very strongly, but there is a point where something turns and it becomes obstruction. I can't look into the faces of any of my constituents who are having all of these problems and tell them: I am sorry, I couldn't do anything even though we had a majority in the Senate.

So they are scaring people about using a procedure they have used over the years. Out of 22 times, they have used the reconciliation procedure requiring a majority vote 16 times. I need to say that again. My Republican friends, who abhor the use of a majority rule, used it 16 times out of the 22 times it was used, and mostly it was used for health care.

Then they say: Oh, no; when we used it, it was for much smaller things. Well, no, I checked it out. The whole Reagan revolution was done by reconciliation—all the Bush tax cuts, health care and all. So the very slippery slope of their argument, whatever the argument of the day is, at the end of the day it is about scaring people. It is all about scaring people.

So I am going to close with this. I am going to talk about the 8 or 10 things that happened within 6 months to a year that this bill was signed into law—real things. For all new policies, you can keep your child on your policy until he or she is 27 years of age—27 years of age. I know a lot of people whose kids have been thrown off their policy. They may have had asthma, for example, and the insurance company says they have a preexisting condition and so they can get no insurance. We fix that in this bill.

If you have a preexisting condition and you are an adult, and you can't get insurance, you can join a high-risk pool and get insurance very soon—within 90 days. If you run a small business that is struggling to find affordable health insurance, or you are self-employed—and I have spoken to so many people in that situation in California—there will be many billions of dollars for small business and self-employed people in tax credits to help them get insurance.

The President has also proposed increasing funding for community health centers by \$11 billion so they can provide affordable, high-quality care to even more families in need.

There will be no preexisting conditions for children. If you have a child who has a preexisting condition, they still can get insured. I think about the story HARRY REID told about the couple who had full insurance, and the woman gave birth to a baby and the baby had a cleft palate. The couple was distraught, but the doctor said: Don't worry. We can fix that baby right up and no one is going to know there was a problem.

So they wrote to their insurance company. You know what their insurance company said, even though they gave full coverage to that pregnant woman. They said: Your baby has a preexisting condition. You are out of luck.

Mr. President, that is morally reprehensible. So if you want to be scared about something—and I don't believe in being scared about anything—be scared about the status quo. Be scared about what your insurers could do to you in today's world.

What else will happen with this bill? Well, prevention is pretty much free. As soon as this bill is signed into law, you get to go to your doctor and get preventive treatment pretty much for free.

If you are a senior and you are on a prescription drug plan, we are going to close that gap—that payment gap where you get to a certain level and then your insurance company stops paying until you reach yet another level. This creates the situation where at the time you need your medicine the most, it is not there for you. We are going to close that doughnut hole. By the way, that impacts 794,000 Californians. The President wants to give about \$250 to help our seniors who fall into that doughnut hole right away.

Also, there will be insurance reform. The minute this bill is signed into law, an insurance company must use 80 percent of their income on you—on the people who have insurance—not on them, not putting it in their pockets, not on these outrageous bonuses and paying their people millions of dollars. So 80 to 85 percent will have to go into the business of helping their people by expanding coverage or lowering premiums.

There are a couple more things that will kick in—no more caps on new

plans. I remember my husband and I once had a plan that had a cap. We didn't even know it, but somebody warned us and we realized it was a bad plan and there was a cap. I forget the amount, but it wasn't that high.

Also, you will be protected from your insurance company walking away from you. No more rescissions in all new plans. There are other benefits to retirees. In 2014, we will have these exchanges, and you will be able to shop for the best insurance in an exchange online. It will be very clear.

So we are moving in the right direction, Mr. President. At the end of the day, by the way, this bill saves money. Not only is it deficit neutral, it helps the deficit. Why? Because we take the fraud, waste, and abuse out of the system.

My message to the people of this great country is, don't listen to the fear mongering. Learn the facts. Understand how life will be better if we move forward with this reform—but not in 3 years, right away. I think if we do that, and we realize we are going to do it in a way that actually reduces the deficit, there should be strong support for this bill.

I hope we will be able to get to that day as we focus on getting this country on track: jobs, jobs, jobs. We also fix this problem of unaffordable health care, tenuous health care. It has to become something we can count on.

I yield the floor and suggest absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### TAX EXTENDERS ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4213 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213), to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Reid (for Murray-Kerry) further modified amendment No. 3356 (to amendment No. 3336), to extend the TANF Emergency Fund through fiscal year 2011 and to provide funding for summer employment for youth.

Coburn amendment No. 3358 (to amendment No. 3336), to require the Senate to be transparent with taxpayers about spending.

Baucus (for Webb-Boxer) amendment No. 3342 (to amendment No. 3336), to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.

Feingold-Coburn amendment No. 3368 (to amendment No. 3336), to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks.

Reid amendment No. 3417 (to amendment No. 3336), to temporarily modify the allocation of geothermal receipts.

McCain-Graham amendment No. 3427 (to amendment No. 3336), to prohibit the use of reconciliation to consider changes in Medicare.

Lincoln amendment No. 3401 (to amendment No. 3336), to improve a provision relating to emergency disaster assistance.

Baucus (for Isakson-Cardin) modified amendment No. 3430 (to amendment No. 3336), to modify the pension funding provisions.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 3429 TO AMENDMENT NO. 3336

Mr. BAUCUS. Mr. President, pursuant to the previous order, on behalf of the chairmen of the Rules and Budget committees, I call up my amendment No. 3429.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3429 to amendment No. 3336.

Mr. BAUCUS. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide an explanation of the budgetary effects of legislation considered by the Senate)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . BUDGETARY EFFECTS OF LEGISLATION PASSED BY THE SENATE.**

(a) ESTABLISHMENT OF WEB PAGE.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this Act, the Secretary of the Senate shall establish on the official website of the United States Senate ([www.senate.gov](http://www.senate.gov)) a page entitled “Information on the Budgetary Effects of Legislation Considered by the Senate” which shall include—

(A) links to appropriate pages on the website of the Congressional Budget Office ([www.cbo.gov](http://www.cbo.gov)) that contain cost estimates of legislation passed by the Senate; and

(B) as available, links to pages with any other information produced by the Congressional Budget Office that summarize or further explain the budgetary effects of legislation considered by the Senate.

(2) UPDATES.—The Secretary of the Senate shall update this page every 3 months.

(b) CBO REQUIREMENTS.—Nothing in this section shall be construed as imposing any new requirements on the Congressional Budget Office.

Mr. BAUCUS. The first amendment is a simple attempt to improve the availability of budgetary information on what Congress does. This amendment would require the Secretary of the Sen-

ate to create a new Web site that clearly provides information from the Congressional Budget Office on the legislative actions of the Senate. This is a side-by-side amendment to the Coburn amendment on the same subject.

I believe Senator COBURN has the same purpose in mind, but we have drafted this side-by-side amendment to avoid new burdens on the Congressional Budget Office. The Rules Committee and Budget Committee worked together with us on the drafting of this amendment to assure that it would work.

I urge my colleagues to support the amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back? If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 3429) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3358

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 3358. There is 4 minutes, evenly divided, before the vote. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we just voice voted an amendment that will not do anything. What this amendment says is, where we violate our own rules in terms of pay-go, we will actually publish both the number of times and the amount of dollars we do that. It is about transparency of the Senate, being honest with the American people. With great fanfare, the Senator from Montana came down and we put into law a pay-go law. Since that time, including this bill, we will have passed \$120 billion of debt to our kids by saying we waive pay-go.

That is OK. That is the right of the body to do that. But it is not OK not to let the American people know that and let them keep track of us.

This amendment is very simple. Anytime we create a new program, anytime we pass and violate the pay-go rules by overriding the pay-go point of order, then we should list that with the American people so they can see what we are doing. It is quite simple, quite straightforward. It doesn't require any time. You will spend forever going to the Congressional Budget Office to find this. This makes it very simple, very straightforward.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think we can vote on this. I yield the remainder of my time, but before I do, I think it is a step toward transparency, and I urge all my colleagues to vote for it.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. All time is yielded back.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—100

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

The amendment (No. 3358) was agreed to.

AMENDMENT NO. 3356, AS FURTHER MODIFIED

The PRESIDING OFFICER. There is 4 minutes equally divided on the Murray amendment No. 3356.

The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to use 1 minute and for Senator KERRY to have the second minute.

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

Mrs. MURRAY. Mr. President, I am offering the youth summer jobs amendment to build on the extremely successful summer jobs program that made it possible for over 313,000 young people to have a job. I have personally heard amazing stories from these young men and women who got a job. It changed their lives and gave them the experience they needed.

This amendment will provide \$1.3 billion to create up to 500,000 temporary jobs this coming summer. It will invest in critical employment and learning programs that will help not only these young people but the businesses that hire them. The underlying bill is going to help millions of families across the country who need a job. This amendment will make sure young people get a start in their professional lives, firmly planted on their feet and moving toward success.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank Senator MURRAY for her work on this amendment.

Today, almost 15 million Americans are unemployed, 9 million can only find part-time work, and 25 percent of our Nation's teenagers and 42 percent of African-American teenagers are unemployed. Both the TANF Emergency Fund and the summer jobs program provide desperately needed jobs to our Nation's families who are the most vulnerable to our economic downturn. According to the Center on Budget and Policy Priorities, extending the TANF Emergency Fund will save more than 100,000 jobs. And providing up to \$1.3 billion in funding for the summer jobs program will create 500,000 summer jobs.

I promise my colleagues, provide these summer jobs, and it will save far more than that money in the criminal justice system and in other social services. This is money well invested.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, why do we keep doing this? Why do we keep passing debt on to our children? Why do we keep running program after program out here that is shrouded in sweetness and light but not paid for?

We just passed a pay-go point of order 4 weeks ago to great fanfare, great breast-beating about how fiscally responsible we were going to be. Yet time after time since we passed that pay-go point of order, amendments have been brought to the floor which violate it. This is another one. This amendment costs \$2 billion which is not paid for.

Summer jobs may be good. I am sure they are. But why do we want to put the debt for those summer jobs onto the children of the people who are having the summer jobs?

If this is a priority—and it is—let's pay for it. Let's take the money out of some other account. But let's not add to the debt, and let's not once again violate the pay-go rules which this Senate has so loudly proclaimed in the manner in which we will discipline ourselves fiscally. It is a \$2 billion item. If we can't stand by pay-go for \$2 billion, we are making a farce out of it.

As a result of this violation of pay-go, I raise a point of order against the amendment pursuant to section 201(a) of S. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Washington.

Mr. BAUCUS. How much time does the Senator from Washington have?

The PRESIDING OFFICER. The Senator has consumed her time.

Mrs. MURRAY. Mr. President, let me be clear: Working with the Finance Committee, this amendment is paid for over 10 years.

I ask that the budget point of order be waived.

Mr. GREGG. Mr. President, is this a pay-go point of order violation?

Mrs. MURRAY. I move that the budget point of order be waived and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—55

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

NAYS—45

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

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

The Senator from New York is recognized.

#### MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that upon disposition of the amendments in order this morning, the Senate then proceed to a period for the transaction of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that at 12:30 p.m., the Senate stand in recess until 2:15 p.m.

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

The Senator from Illinois is recognized.

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

The PRESIDING OFFICER. The Senate is in morning business.

#### HEALTH INSURANCE COSTS

Mr. BURRIS. Mr. President, there was an article in last Thursday's Chi-

cago Tribune, my hometown newspaper, that caught my attention. It is shocking news for many of my fellow Illinoisans. I would like to share it with my colleagues today.

According to State records, Illinoisans who lose their jobs and have to buy their own health insurance will see their premiums increase by as much as 60 percent this year. As the Tribune notes, this is affecting more people than ever before because of the economic crisis.

There are currently more than one-half million consumers in Illinois who have individual health plans. Their base rates, which stand at 8.5 percent at the moment, will jump to more than 60 percent. Those are just the base rates. Elderly folks will likely see additional increases on top of that. So will those who have a history of illness. So will people who live in certain areas or who have only had a policy for a short period of time.

Insurance companies will pile on additional increases for all these folks, on top of a 60-percent increase that will affect every Illinoisan with an individual health plan.

Let me remind my colleagues that these are mostly folks who have lost their employment, so they do not have a steady stream of income to absorb these increases, and they do not have a choice but to pay whatever the insurance companies demand or go without the coverage they need.

This is bad news by itself, but it gets worse because they are not the only ones who will see their premiums go up. Small businesses are finding it harder than ever to afford coverage for their employees because they are being hit with big rate hikes even though business is not as good as it was a few years ago.

Companies, such as Illinois Blue Cross, have even acknowledged they will be increasing their rates by an average of 10 percent across the board and much more for some of their customers.

We have seen this kind of thing before. Just recently in California, a health insurance company raised its rates by 39 percent, a move that sparked national outrage and investigations by State and Federal regulators.

When we hear about this kind of behavior, there is an obvious question for us to ask, the same question that many folks in Illinois will be asking when they get their insurance bills over the next few months. That question is why. Why are insurance companies raising rates by as much as 60 percent? Why does it keep getting harder and harder to pay for health coverage when benefits are being slashed at the same time? It does not make any sense.

But when Illinoisans pick up their phones and they call their insurance providers and they ask them why, they probably will not be able to get an answer. Most insurance companies do not release that information and do not



feel they have an obligation to explain the outrageous rate hikes. Ordinary Americans do not have a way of finding out.

That is exactly why we need to pass comprehensive health care reform without delay to restore competition to the insurance industry so folks can shop around and try to get a fair deal, to help us hold insurance companies accountable so we can keep them honest, and to provide cost savings so hard-working Americans and small businesses can breathe a little easier in these difficult times.

The Senate health reform bill would have accomplished all these things and more. If we had combined our bill with the House version at the end of last year and sent it to President Obama, we would have had a law on the books by now. We would almost certainly not be seeing these dramatic premium increases. Instead, people's premiums would be going down significantly, and 31 million more Americans would have health care coverage.

This Chicago Tribune article would have read very differently if we had finished this health care bill a few months ago, as we easily should have done. But because of our inaction in Washington, because of delays and the obstructionism, these companies continue to have free rein.

As we struggle to find common ground between the House and the Senate, we must never forget the American people are locked in a much more serious struggle.

We have experienced the worst economic crisis since the Great Depression. The unemployment rate exceeds 10 percent in Illinois, and it stands just under 10 percent nationwide. Millions have watched helplessly as their hard-earned economic security vanished overnight. Individuals and families are finding it harder than ever to make ends meet. One of the greatest challenges they face is paying for health insurance.

Under the current system, too many people are forced to choose between keeping food on the table and buying health coverage. It is a terrible choice. Premiums are so high it is almost impossible to afford quality coverage. As the Chicago Tribune reported, they are about to get even higher, but without insurance we are all just one accident or catastrophic illness away from bankruptcy or even death.

It is time to turn our attention away from the partisan fight that consumes Washington every day and focus on the fight that is taking place in America's heartland.

My colleagues and I must never forget why we entered public service in the first place. Why are we here? What is our purpose? We must always remember our actions and our failures to take action have real consequences for ordinary people from coast to coast.

This legislation was stalled and delayed for the better part of a year. As a result of this obstructionism, we are

about to see premiums go up by 60 percent instead of going down.

If my Republican friends had come to the table and acted in the spirit of compromise and listened to the will of the American people, we would have passed health care reform and a dozen other things by now. But instead, it is the same old politics. It is easy to find excuses. It is very difficult to govern.

Once again, I invite my colleagues across the aisle to join us in these efforts, come to the negotiating table. You heard President Obama speak yesterday very vividly and forthrightly about what we need to do to bring health care reform to the American people. We have a fresh sense of momentum, a new opportunity to deliver on this promise of reform.

Let's keep having this conversation. Let's confront these challenges together as the American people have asked us to do. Let's move forward as one Congress, as one Nation. It is time for Republicans and Democrats to say enough is enough to big insurance; no more outrageous rate hikes; no more coverage denials; no more abuse.

It is time for Republicans and Democrats to reaffirm our commitment to the hard-working people we represent in Illinois and across the country. It is time to pass comprehensive health reform so every American can get a great deal on health insurance and foreclose the possibility of losing their life or their assets.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### TAXPAYER FAIRNESS ACT

Mrs. LINCOLN. Mr. President, I rise today in support of a proposal that has been offered on this bill that we are currently dealing with that will hold the bailed-out Wall Street companies and their executives more accountable to American taxpayers.

Over the last 2 years, the top TARP recipients have paid out tens of billions of dollars in employee bonuses, while at the same time taxpayers have been footing the bill for bailing out these large financial institutions.

Enough is enough. All we have to do is look across this great land of ours to see so many people in businesses—small businesses in small communities across America—who are in difficult times. This amendment—the Taxpayer Fairness Act—included in the Senate jobs bill would put in place a one-time windfall tax on bonuses paid in 2010 to company executives who received the taxpayer bailout.

Specifically, the amendment provides a 50-percent tax on bonuses above

\$400,000 paid to financial institution executives who received at least \$5 billion in taxpayer support. That is just common sense to all of us here who realize how important it is to be respectful of the taxpayers and make sure that as we have made available these resources to these Wall Street industries, to at least have the acknowledgment and respect from them of what the rest of America is going through.

I have fought for years to hold Wall Street more accountable. During the TARP debate in the fall of 2008, I pushed for stricter limits on executive compensation, which went unheeded in the Bush Treasury Department's implementation of the program. Later that year, I also cosponsored legislation that would have capped executives' salaries at bailed-out banks. In March of 2009, I sent a letter to the AIG chairman calling on his executives to forfeit their \$165 million in bonuses or face unprecedented congressional action to strip them of their so-called "performance-based" rewards.

During the debate on the Recovery Act, in early 2009, the Senate passed my amendment to place an excise tax on bonuses from financial institutions that had received taxpayer dollars under TARP. Wall Street needs to understand that in these extraordinary times they must change their ways of doing business. They must play by the same rules that Arkansas families and businesses and other small towns and States across the Nation have to play by.

When a small business owner in our home State of Arkansas has a bad year, they have two options: They either buckle down and trim the fat or they go out of business. They do not come to the steps of the Capitol and ask for a government check, and they surely do not give themselves a lavish pay raise.

Arkansans are rightly irritated, just as I am. Let's not forget the actions of some of these firms are what sent our economy into dire straits in the very beginning. For almost 2 years now, Americans have paid the price for Wall Street's mistakes. They have lost jobs, they have seen their property values diminish, and they have seen their retirement savings depleted. So it flies in the face of common sense and general prudence for those accountable to reward themselves when the rest of the country is shouldering the burden they created.

This amendment must be enacted to send the message to Wall Street that we will not stand for such behavior. The time is right now, and we must send the message to all of America that we are not going to stand for this type of fiscal irresponsibility. I encourage my colleagues to stand with Main Street, not Wall Street, and support this important amendment.

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.

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

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

# RECESS

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

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Office (Mr. BEGICH).

## TAX EXTENDERS ACT OF 2009— Continued

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3336

Mr. BAUCUS. Mr. President, shortly we will vote on the motion to invoke cloture on this urgent legislation to create jobs and extend vital safety net and tax provisions. We have had a good debate. The Senate considered this bill on 7 separate days over the course of 2 workweeks. We have considered more than 30 amendments. We conducted a dozen rollcall votes. It is now time to bring this debate to a close.

This is not just some technical bill; this measure helps real people. Failure to enact this bill would cause real hardship. Failure to enact this bill would cost jobs.

Within weeks, this bill would help half a million workers who lose their jobs nationwide, including nearly 1,600 in my State of Montana, to remain eligible for help paying for their health insurance under the COBRA health insurance program. Unless we act, within weeks the average doctor in America will stand to lose more than \$16,600 in payments from Medicare. The average doctor in Montana would lose \$13,000. This bill would help nearly 40 million Medicare beneficiaries and nearly 9 million TRICARE beneficiaries nationwide to continue to have access to their doctors. That includes nearly 144,000 Montanans with Medicare and nearly 33,000 Montanans with TRICARE. Within weeks, this bill would help 400,000 Americans to be eligible for expanded unemployment insurance benefits. Thus, this important legislation would prevent millions of Americans from falling through the safety net. It would extend vital programs we have only temporarily extended. It would put cash into the hands of Americans who would spend it quickly, boosting the economy. It would extend critical programs and tax incentives that create jobs.

I urge my colleagues to vote to help Americans hurt by this great depression. I urge my colleagues to vote to preserve and create jobs. I urge my colleagues to vote to invoke cloture on the substitute amendment.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I rise today to speak in opposition to the tax extenders bill. I do so with a heavy heart because there are good things in this bill that would be good for my State of Florida. It would be good to extend unemployment benefits. It would be good to extend COBRA, it would be good to extend and help with Medicaid funding, and it is important to make sure we have enough money going to doctors in Medicare so that they can provide services. But I can no longer stand by, even on a bill such as this, and vote for it when it is going to add \$100 billion to our deficit.

If the majority party in this Chamber did the right thing and paid for this bill, if we cut wasteful spending, if we cut duplicate programs in other areas and paid for this bill, 80 or 90 Senators would vote for it. But at some point, even though these programs may be good for your State, a Senator has an obligation to stand up and say: No more, no more spending our kids' future, no more putting debt on the next generation, no more bankrupting the promise of this country.

No more. We cannot afford it. We have a \$12.4 trillion debt. We are supposed to have pay-as-you-go rules here. One month ago, we passed a pay-as-you-go law. The President signed it. And all of the language was laudatory: We are not going to spend our children's money anymore. We are going to be fiscally responsible. And then here comes this bill, \$100 billion in spending, and we declare it an emergency so that we do not have to follow the rules. It occurred to me this weekend as I played with my 6- and 4-year-old sons that this is not pay-go, it is Play Doh—you can make whatever you want of it. But it is not real enforcement.

We in this chamber should pay for the spending so that we do not increase the debt on our children. So we should vote against cloture on this bill, not because the leadership has not allowed us to have amendments—they have, and I appreciate that. But we should vote against it because this bill should only pass if we can pay for it.

No matter how good the program is, it is not good if we saddle our children with \$100 billion more in debt. The public debt in this country is going to double in 5 years and triple in 10. It is has now come out that the estimate of the national debt in 2020 will add another \$10 trillion. The day of reckoning is at hand, and we just cannot stand by, even though there are good things in this bill, things that would help my State. On this occasion, I have to put country first.

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

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

Mr. BROWN of Massachusetts. Mr. President, we have a vote coming on cloture on a matter that has been moving through the Senate, the tax extenders bill. I wish to make clear that I will be voting for cloture. That does not mean I will support the actual legislation when it comes to a vote. That being said, I have serious concerns about the overall cost of the bill, but my vote for cloture signals my belief that we need to keep the process moving and allow the measure to be considered by the full Senate. I promised my constituents I would try to change the tone of politics as usual in Washington. There has been a week of debate. Allowing this bill to receive an up-or-down vote would be a step in the right direction.

However, I am opposed to the bill at this point because it adds more than \$100 billion to our national debt and provides no way to actually pay for it. Our national debt is at a record high, and we cannot continue to burden future generations with a mountain of debt and bills they cannot pay.

I believe in process. I believe we should have an opportunity, after full and fair debate, to move bills forward so the House and others can get a crack at it and hopefully send back a product with which we can all live.

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

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

AMENDMENTS NOS. 3401, AS MODIFIED, 3417, 3430, AS MODIFIED, 3372, AS MODIFIED, 3442, AS MODIFIED, 3365, AS MODIFIED, 3371, AS MODIFIED, AND 3451 TO AMENDMENT NO. 3336

Mr. BAUCUS. Mr. President, I ask unanimous consent that it be in order for the following amendments to be considered agreed to en bloc; and in the instance where the amendment is modified, that the amendments, where applicable, be modified with the changes at the desk, and as modified the amendments be agreed to and the motions to reconsider be laid upon the table en bloc; further, that in the instance where the amendment is not pending, where appropriate, the amendment be recorded by number: Lincoln amendment No. 3401 pending, to be modified; Reid amendment No. 3417, pending; Isakson-Cardin amendment No. 3430, pending and as modified; Merkley amendment No. 3372, to be modified; Warner amendment No. 3442, to be modified; Whitehouse amendment No. 3365, to be modified; Rockefeller amendment No. 3371, to be modified; and a Baucus technical amendment, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I would ask that the request be modified to allow Senator ISAKSON to speak for 2½ minutes

following the agreement to this unanimous consent request, and that I thereafter be recognized to offer a unanimous consent request regarding something on this bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 3401, AS MODIFIED

On page 75, line 4, strike “excessive rainfall or related” and insert “drought, excessive rainfall, or a related”.

On page 76, line 1, insert “fruits and vegetables or” before “crops intended”.

On page 76, line 13, strike “90” and insert “112.5”.

Beginning on page 76, strike line 18 and all that follows through “(4)” on page 77, line 17, and insert “(3)”.

On page 78, strike lines 3 through 7 and insert the following: “not more than \$300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

On page 78, lines 18 and 19, strike “with excessive rainfall and related conditions”.

On page 78, line 21, strike “2008” and insert “2009”.

On page 79, lines 4 and 5, strike “under this subsection” and insert “for counties described in paragraph (1)(B)”.

On page 80, between lines 3 and 4, insert the following:

(5) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

On page 80, line 4, strike “(5)” and insert “(6)”.

On page 87, line 5, strike “(h)” and insert “(i)”.

On page 89, line 15, insert “for the purchase, improvement, or operation of the poultry farm” after “lender”.

On page 89, strike line 24 and insert the following:

(j) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

(k) ADMINISTRATION.—

On page 90, line 4, insert “and the amendment made by this section” after “section”.

On page 90, line 7, insert “and the amendment made by this section” before “shall be”.

On page 91, line 1, strike “\$15,000,000” and insert “\$10,000,000”.

AMENDMENT NO. 3417

(Purpose: To temporarily modify the allocation of geothermal receipts)

At the end of title VI, add the following:

SEC. 6 \_\_\_\_ . ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

AMENDMENT NO. 3430, AS MODIFIED

(The amendment is printed in today’s RECORD under “Morning Business.”)

AMENDMENT NO. 3372, AS MODIFIED

(Purpose: To authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers)

At the end of title VI, add the following:

SEC. 6 \_\_\_\_ . QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term “qualifying contract” means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term “timber purchaser” means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser’s written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

AMENDMENT NO. 3442, AS MODIFIED

(Purpose: To ensure adequate planning and reporting relating to the use of funds made available under the American Recovery and Reinvestment Act of 2009)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”;

(B) by striking “Not later than” and inserting the following:

“(1) DEFINITION.—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) REPORTS.—

“(A) IN GENERAL.—Not later than”;

(C) by adding at the end the following:

“(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”;

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) IN GENERAL.—Within 180 days”; and

(B) by adding at the end the following:

“(2) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States District Court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than \$250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) NOTIFICATION.—

“(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted

on or after the date of enactment of this paragraph.

“(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) PUBLIC LISTING.—

“(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for non-compliance.

“(5) REGULATIONS AND REPORTING.—

“(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

AMENDMENT NO. 3365, AS MODIFIED

(Purpose: To require the Comptroller General to report to Congress on the causes of job losses in New England and the Midwest over the past 20 years and to suggest possible remedies)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. GAO STUDY.

Not later than 180 days after the date of enactment of this Act, the Comptroller General shall report to Congress detailing—

(1) the pattern of job loss in the New England and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

AMENDMENT NO. 3371, AS MODIFIED

(Purpose: To amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes)

On page 268, between lines 11 and 12, insert the following:

SEC. \_\_\_\_\_. EXTENSION AND MODIFICATION OF SECTION 45 CREDIT FOR REFINED COAL FROM STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”, and

(2) by striking “2010” and inserting “2011”.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person’s rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

**SEC. \_\_\_\_ . MODIFICATIONS TO MINE RESCUE TEAM TRAINING CREDIT AND ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.**

(a) MINE RESCUE TEAM TRAINING CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (vi), (vii), and (viii) as clauses (vii), (viii), and (ix), respectively, and

(2) by inserting after clause (v) the following new clause:

“(vi) the credit determined under section 45N.”

(b) ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT ALLOWABLE AGAINST AMT.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

“(vii) SPECIAL RULE FOR ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.—Clause (i) shall not apply to amounts deductible under section 179E.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. \_\_\_\_ . APPLICATION OF CONTINUOUS LEVY TO EMPLOYMENT TAX LIABILITY OF CERTAIN FEDERAL CONTRACTORS.**

(a) IN GENERAL.—Section 6330(h) is amended by inserting “or if the person subject to the levy (or any predecessor thereof) is a Federal contractor that was identified as owing such employment taxes through the Federal Payment Levy Program” before the period at the end of the first sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after December 31, 2010.

AMENDMENT NO. 3451

(Purpose: To make technical changes)

Strike section 201 and insert the following:

**SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “December 31, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”;

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “May 31, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “December 31, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”;

(C) in paragraph (3), by striking “October 5, 2010” and inserting “June 30, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “January 1, 2011”;

(B) in subsection (c), by striking “September 4, 2010” and inserting “June 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “May 31, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Strike section 211 and insert the following:

**SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking “March 31, 2010” and inserting “December 31, 2010”.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) RULES RELATED TO 2010 EXTENSION.—

“(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual’s 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual’s qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

“(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual’s 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) 2010 TRANSITION PERIOD.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

In section 212, strike “December 31, 2009” and insert “March 31, 2010”.

In section 231, strike “this title” and insert “this Act”.

In section 241(1), strike “March 1, 2010” and insert “March 31, 2010”.

In section 601(1), strike “February 28, 2010” and insert “March 31, 2010”.

In section 601(2), strike “March 1, 2010” and insert “April 1, 2010”.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I wish to thank the leader for his courtesy and for his help on this legislation. In particular, I wish to thank Chairman BAUCUS and his staff and Senator GRASSLEY and his staff, as well as my staff, Ed Egee in particular, who did a great job of addressing the pension problems in this country.

This amendment gives corporations two alternatives to accept, adopt, and smooth their obligation on pensions. It will raise \$3.5 billion against the debt. It will save the pensions of many Americans.

I wish to acknowledge the leadership of Senator BAUCUS from Montana, Senator GRASSLEY, and their staffs for helping us accomplish it.

Also, let me thank my friend and colleague, Senator CARDIN from Maryland, for his good work and cooperation on this issue. Senator CARDIN has long been a leader on retirement issues. I recall in the House supporting a landmark retirement bill that bore his name: the Portman-Cardin Pension Reform Act of 2001.

Almost 4 years ago, I was proud to support the Pension Protection Act of 2006. That piece of legislation adopted a stringent new funding regime for single employer defined benefit pension plans. It raised the full funding target to 100 percent, based the sponsor’s contribution requirements on the funded status of the plan, encouraged pre-funding of pension funds through the recognition of credit balances, and included much-needed smoothing of both assets and liabilities.

All of these were positive changes. Unfortunately, just as the Pension Protection Act’s stringent funding requirements began to be implemented, the assets of most pension funds were depleted by the economic recession.

The gravity of the situation was reflected in a recent Mercer study of over 800 companies. Mercer found that required cash contributions to pension plans will be more than 400 percent higher in 2010 than in 2009.

Over the last year, dozens of employers who sponsor defined benefit plans have come to me and to many Members of this body asking for relief from the stringent funding rules of the Pension Protection Act. They hope to avoid severe cost-cutting measures. A May 2009 survey indicated that the overwhelming majority of DB plan sponsors—68 percent—will have to cut other expenses, including jobs, in order to make required pension contributions.

Even if the market were to come soaring back tomorrow, this relief would still be appropriate. A February 2010 study by Towers Watson found that even if equities rise by 20 percent

in 2010 and projected interest rates increase by a full percentage point, total 2011 funding obligations would still be approximately triple the level of 2009 funding obligations.

Given the scope of the situation, there is broad agreement that the Senate must act. As such, Senators BAUCUS and GRASSLEY included targeted funding relief in this tax package.

Our amendment makes small but important changes to the underlying language, mostly affecting the application of the "cash flow rule." Generally speaking, the cash flow rule forces employers to make additional contributions to their plan above the amount they would normally owe.

We do not oppose the inclusion of the cash flow rule in the relief package. We agree that that is an appropriate stick in exchange for the carrot of relief.

However, the stick can last up to 7 years while the relief is only available for 2 years. Accordingly, we are urging this Senate to limit these restrictive conditions on the funding relief that we are offering to employers in this amendment.

Sponsors would continue to receive 2 years of relief from the onerous funding obligations imposed by the Pension Protection Act. However, our amendment applies the cash flow rule for 3 years for the 2 plus 7 option and 5 years for the 15 year option—as opposed to 4 and 7 years, respectively.

Our goal here is to achieve a balance. We want to ensure the viability of the pension security system by ensuring that the plans are fully funded. At the same time, we want to make the relief usable to employers so they will be incentivized to continue their defined benefit pension programs.

I continue to support efforts to protect taxpayers by strongly opposing any attempts to break down the wall between the Pension Benefit Guaranty Corporation and general Treasury funds.

I thank Senators GRASSLEY and BAUCUS for accepting our amendment and thank the staff for their work on the amendment. Cathy Koch and Tom Reeder with Senator BAUCUS; Chris Condeluci with Senator GRASSLEY; Debra Forbes with Senator HARKIN; Greg Dean with Senator ENZI; Femeia Adamson with Senator CARDIN; and Ed Egee with my staff.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, there was debate this morning and a lot of talk outside the Chamber regarding the TANF summer jobs program. The objection of a number of Senators raised was that it was paid for over 10 years rather than 5 years. In an effort to compromise this, Senators MURRAY and KERRY agreed that we would drop anything relating to TANF in this amendment and over 5 years pay for summer jobs in the amount of \$743 million. As everyone will remember, it was originally \$1.5 billion. So this would be lowered to \$743 million. It is paid for

over 5 years. TANF is not included in any of this, much to the consternation of a lot of us.

I ask unanimous consent that amendment be allowed and that we have another vote on it, if necessary.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I failed to mention this does not violate pay-go.

Mr. GREGG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus substitute amendment No. 3336 to H.R. 4213, the Tax Extenders Act of 2009.

Harry Reid, Max Baucus, Richard J. Durbin, Roland W. Burris, Kent Conrad, Benjamin L. Cardin, Patrick J. Leahy, John D. Rockefeller, IV, Robert Menendez, Daniel K. Inouye, Robert P. Casey, Jr., Jon Tester, Bill Nelson, Charles E. Schumer, Kay R. Hagan, Sheldon Whitehouse, Tom Harkin.

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

The question is, Is it the sense of the Senate that debate on amendment No. 3336, offered by the Senator from Montana, Mr. BAUCUS, to H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 46 Leg.]

#### YEAS—66

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

#### NAYS—34

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

The PRESIDING OFFICER (Mrs. GILLIBRAND). On this vote, the yeas are 66, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. LANDRIEU. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3381 TO AMENDMENT NO. 3336

(Purpose: To reauthorize the DC opportunity scholarship program, and for other purposes)

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that I be permitted to call up amendment No. 3381 and that at the end of my statement, the amendment then be withdrawn.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BYRD, Mr. ENSIGN, and Mr. VOINOVICH, proposes an amendment numbered 3381 to amendment 3336.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in the RECORD of Wednesday, March 3, 2010, under "Text of Amendments.")

Mr. LIEBERMAN. Mr. President, this amendment that I rise to offer has been cosponsored by a bipartisan group, I am pleased to say: Senators COLLINS of Maine, BYRD of West Virginia, FEINSTEIN of California, VOINOVICH of Ohio, and ENSIGN of Nevada.

The purpose of this amendment is to reauthorize—literally, to save—the Opportunity Scholarship Program or OSP. Some know it as the DC school voucher program. We are offering our amendment to this legislation because without prompt action by Congress, the OSP, I am afraid, will end. The current administrator has advised Secretary Duncan that it will no longer



administer the program absent a reauthorization, and no other entity has expressed the willingness to take over, given the constraints imposed by Congress under the prevailing set of circumstances. Despite the President's stated intent in his budget to continue the program, if only for those students currently participating, even that will become impossible.

This amendment, as I will explain in a moment, will reauthorize this program for 5 years at essentially its current levels. As I will explain in a moment, it is working, and it is immensely popular with families of children and failing schools in the District of Columbia. It is supported by the chancellor of the school system, Michelle Rhee, and by Mayor Fenty. It is warmly endorsed by the families of the students who have benefited from this program as it literally changed their lives. Yet it has run into opposition in Congress, I fear from people who are committed to defending a status quo that is not working.

Chancellor Michelle Rhee is working so hard to reform the school system of our Nation's Capital, the public school system. Why would she be supporting this Opportunity Scholarship Program that will allow some children—low-income children—in the District of Columbia to get this scholarship and go to a private or faith-based school? She said, in terms that were very compelling, as she testified before committees of Congress, the following: That if a parent of a student in a school that literally had been determined to be failing turned to her and said, can my child get a good education in the school the public school system sends her to, she can't now say yes to parents of students who are in these designated failing schools.

And she said, I think with great strength and conviction and honesty—and she is the head of the public school system here—that until she can tell these parents that their children will get a good education in the public schools of the District of Columbia, she cannot in good conscience oppose this plan that will basically enable these children a lifeline while she is fixing the DC public schools—a lifeline to a better education, a better career, a better life.

Her own estimate is that it will take her 5 years more to get the DC public schools to where she wants them and every parent of a child here in the District wants them to be. That is the length of the reauthorization of this program that our amendment would provide.

I understand there will be a point of order raised against our amendment, as well as objections to proceeding to a vote on our amendment, and that, therefore, I will be obliged to withdraw my amendment. It was not possible on this bill to receive the consent necessary to bring up this amendment for a vote, although I am pleased to understand that no objections would likely

be raised on the minority side to at least bringing up a vote for an amendment.

I do want to serve notice that I will continue to push for a vote on this matter, because I think it is so critically important. I know there are several bills coming before the Senate, including the reauthorization of the FAA, which will come soon and that will be subject to amendment and, therefore, I will be afforded an opportunity—myself and my cosponsors—to amend those bills and to offer this opportunity scholarship amendment to those bills.

I don't know at this moment that we have the 60 votes to pass this amendment, but what I am committed to doing is making sure we have debate on the amendment and a vote on the amendment so the Senate can be heard and, in that sense, is challenged to take a position on this amendment and this program which, I repeat, has been a lifeline for kids trying to get a decent education and build a better life.

In my view, this amendment did belong on the American Workers, State, and Business Relief Act—the underlying bill before the Senate—because, obviously, the opportunity to seek and receive a better education enables our children to be better, more productive workers, to help our businesses and, of course, to grow our national economy. Achievement gaps in our schools have a profound effect on the quality of our workforce and on the future of our economy. Most importantly, the quality of our schools has a profound effect on the quality of the lives of the children who go to better schools and get a better education.

Like so many millions and millions of others in our country today, including, I am sure, a lot of other Members of the Senate, my life was transformed by the public schools of my hometown of Stamford, CT, which gave me an education that enabled me to be the first person in my family to go to college, and then I was able to go to law school after that.

There are within the District of Columbia so many gifted and talented students who are in schools that are developing their gifts or growing their talents by giving them a good education. The OSP takes a limited number of those—and they are low income—and gives them a chance for a better education and a better life.

I regret that I am not going to be able to debate this issue and to get a vote on this amendment on this bill, but we are going to wait for the next opportunity to do so. I do want to make, however, some brief remarks on the substance here.

I have followed the status of the OSP for several years in my capacity as chairman of the Homeland Security and Governmental Affairs Committee. It is one of those strange twists of Senate committee jurisdiction that the governmental affairs part of the jurisdiction of our committee—the tradi-

tional historic jurisdiction before homeland security was added—included, according to the wisdom of a previous generation of Senators, jurisdiction over the District of Columbia. So I can tell you we need only listen to the students in the program and their parents—as our committee has had the privilege to hear—to know this program has served as a life changer—not just a game changer but a life changer—for many of these children in this program.

We also have a federally mandated study that documents the success of this program. Despite a lot of misleading statements by those who oppose the program, the science behind this study—an independent study required by a previous act of Congress authorizing this proposal—proves that the program is working. It is one thing to hear the students and their parents talk about how their lives have been changed with the opportunity to go to a school that has made them feel they can be a success and educated them better, but Dr. Patrick Wolf, the lead investigator for the study that was authorized by a previous act of Congress, concluded:

The DC voucher program has proven to be the most effective education policy evaluated by the Federal Government's official educational research arm so far.

That is an awful lot to be able to say.

So the path this bill has followed, the opposition to it, has been so frustrating. People say this is money that is coming out of the public school budget. The whole design of this original program was to add money in equal parts to the DC public schools—money it would not otherwise have received. It was a kind of compensatory balance: the same amount to the charter schools, which are doing very well here in Washington, and then the same amount to the opportunity scholarship program. So money not from the public schools, but an education opportunity for poor kids in Washington now going to schools designated as unable to educate them, and instead giving them the opportunity to go to better private or faith-based schools.

I thank the Chair and my colleagues for allowing me the time to bring up my amendment. As I say, I look forward to engaging in the very near future in a larger discussion of these issues, and at greater length, by submitting this as an amendment to the next bill that comes to the Senate floor.

AMENDMENT NO. 3381, WITHDRAWN

Pursuant, nonetheless, to the agreement I had with the leadership and my colleagues in the Senate, understanding there was not consent to proceed, I will now withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, we earlier had a cloture vote on, what I guess is called the jobs bill. It has some things in it that I think might be helpful to this economy. Continuing certain tax cuts is important. But I have to say, it is very much a disappointment that the legislation spends \$100 billion more than we have. In other words, it will add \$100 billion to the debt of the United States.

It was a few weeks ago that this Senate voted for a pay-go idea that asserted we were not going to spend money we didn't have and we were going to pay for what we spent. In other words, if we increase spending, we are either going to raise taxes or cut spending somewhere else to keep us on the right track. But we have not done that. This is actually a \$140 billion bill.

This bill has \$40 billion in costs assumed by the CBO for continuing the tax credits that have been in place, some of them, for 10 years. Those are to be continued, and they score that as costing \$40-some-odd billion. But that is paid for. Our Democratic colleagues are prepared to pay for allowing the American people to keep money that is theirs; money that the government hasn't assessed against them and extracted from them over a 10-year period. That is paid for through other increases in taxes and other activities which, so far, offset that. But the \$104 billion of new spending is not paid for.

Regardless, the bill is a bill that adds \$104 billion to the debt. I don't see how that is a responsible action for our Congress. Because last year, in February, Congress passed an \$800 billion stimulus package—the largest spending bill in the history of America, and every penny of it was added to the debt of the United States. It was the kind of bill the likes of which Congress has never, ever seen before. We did that. And that was not long after the \$700 billion financial bailout package—the TARP bill. The one thing about the TARP bill is that we always understood we were to get some of it back. And we would have gotten a lot more of it if they had spent it to buy toxic assets, instead of giving billions of dollars to one insurance company; giving a huge amount of money to General Motors, which is unlikely ever to be paid back by that company. Now the government basically owns an automobile company and an insurance company. And that is not anything like what we were told when that TARP bill came before the Senate. I believed at the time, it was so unprincipled and such a dangerous piece of legislation that I opposed it vigorously. But Congress said we had to pass it and it passed. Then we came back in January

after the new President was in office. We had to stimulate the economy, and many of us warned that the legislation was not stimulative in nature and it was not going to create the kind of jobs we needed to create. It just was not.

I remember quoting from a Wall Street Journal op-ed by Gary Becker, a Nobel Prize economics winner. He warned the bill was not stimulative enough. But we had to pass it. It was supposed to be for crumbling bridges and infrastructure.

Yet less than 4 percent of the money went to crumbling bridges and infrastructure. Most of it went to social programs, bail out a State, Medicaid—not job-creating things. Mr. Becker told us in his op-ed shortly before the vote, giving his best judgment about what would happen, he said that it was not going to be a job-creating bill; that you should look for well above \$1 growth out of an investment of \$1 in stimulus funds. Their impression was, he and his team, it was going to be well below \$1.

Now we come back this year, we want another stimulus, another jobs bill because the first one did not work. But now we are in a position where we are surging the debt of this country to a degree it has never been done before. This, in many ways, exceeds World War II, when we were in a life-and-death struggle.

These are just the basic numbers. In 2008, the total American public debt was \$5.8 trillion. In 2013, according to the Congressional Budget Office, our own experts, based on the 10-year budget the President has submitted that would double to \$12.3 trillion. Congress actually ended up passing a 5-year budget very similar to his first 5 years, but this shows the track the President has proposed the country move on. I am not making this up. Then, in 2019, it would go up to \$17.5 trillion. CBO is stating that next year's deficit will exceed this year's deficit. The deficit of the year ending September 30 of last year was \$1.4 trillion. They are estimating our next year will be about \$1.5 trillion.

So, blithely, our leadership walks in today and says we have to extend unemployment insurance, we have to do a number of other things, and we have not figured out a way to raise the money for it or reduce spending on programs that do not work so we will just borrow it too. That is not calculated in these numbers. That was not legislation that was on the agenda or on the books before the Congressional Budget Office made this scoring.

There are other things we know are going to be part of this. I will talk about a few of them. One of the things that is in the legislation before us is what we have come to refer to as the doctor fix. I feel strongly about that. We had passed the Balanced Budget Act in the late 1990s, and it contained the growth of Medicare spending on payments of physicians. As the years went by, we realized pretty quickly

that the cuts were too large or at least Congress did not have the will to let them go into effect, so we wiped it out. We did not let the cuts come in.

We have been doing it now for over a decade, Republicans and Democrats—each one had a majority. Instead of facing up to the shortfall in the physicians' reimbursement, we have allowed this problem to grow. What it amounts to is, if Congress does not act, the doctors who are taking care of our parents and grandparents on Medicare will have their payments cut 21 percent. A lot of physicians are losing money on Medicare today. If this were to happen, there would be a massive quitting of taking care of Medicare patients. They would not do it anymore. It is not right. You cannot justify, from any logical approach to medicine, that we should cut physicians by that kind of amount. I think fundamentally we need to restore it and put it on a path that is sustainable and a growth rate instead of a 21-percent cut. We need to wrestle with how to do it.

If you fix the doctor fix, and you allow a modest growth instead of a 21-percent cut over the next 10 years, it will cost the U.S. Treasury \$250 billion. That is a lot of money, even by Federal Government standards. Our annual highway bill has been about \$40 billion. The annual budget of my State of Alabama is less than \$10 billion—\$7 or \$8 billion for the whole State, including education. That \$250 billion is a lot of money. But millions of American seniors are treated every day by physicians and they paid into the Medicare Program for 40 years. They have been told that when they get to be seniors at retirement age, they will get basically free physician services. It is a commitment we made. Maybe it was improvident at the time. Maybe we could have been smarter about the way it was done, but that is what we told them, and I believe we have to honor that in principle today.

This bill attempts to deal with it by extending it, as we have done each time, 1 year. That is what I call a budget gimmick. It is a misrepresentation of the true state of our finances because what will occur is, we will put the money in for this year. It is going to cost \$7.3 billion to fix this year's doctors' payments. But you know what the CBO scores when they estimate what our debt will be? They assumed the law will go back into effect next year, and there will be a 21- or maybe then 22-percent or 23-percent cut in physician payments. They will assume that is going to be true for 9 years, leaving about \$240 billion extra money that we in Congress can spend—except it is going to be paid. We cannot cut the physicians by that much money. We know we are going to fix it, 1 year at a time. It appears we do not have the courage or the will to fix it permanently like we should, so we will just fix it and we will use that and then they can make the deficit look better than that.

This budget, this number CBO has scored, does not assume the doctors' payments are going to be increased 21 percent. They assume doctors' fees are going to be cut because that is what the law is, unless we act to change it. They make an estimate based on what the law is today, so we can fix the doctors' payments for 1 year, but for the next 9 years they assume we have a lot more money than we have because we are going to fix it every year. This kind of gimmickry is what put us in this fix.

Let me say this: An attempt was made earlier this year to do a doctor fix outside the health care reform bill. That was a very duplicitous act, in my opinion. I have to be frank with my colleagues. Why? What was wrong about that? The President has always said that in health care reform, in fixing our health care problem, what we need to do was deal with physician payments, the SGR. But when they sat in that secret room around here, moving the money around to try to figure out how to present a bill and plop it out on the floor and ask us all to vote for it, they had a problem. They had promised the bill would be deficit neutral. But if they fix the doctor fix, it was going to cost \$250 billion. They could not make the numbers work.

Do you know what the Democratic leadership tried to do? They brought it up separately. We are going to pass a bill in the Congress that would have funded the fix of the doctors. Every penny of it goes straight to the debt. But because they took it out of health care reform and sat it over here, they were going to say the health care reform did not cost any money. I can dispute that and it is not accurate, but that is what they did.

But do you know what happened? Thirteen Democrats said no. To their great credit, under, I am sure, pressure, they decided: I am not going to vote for another big debt increase on a bill that is not paid for. We ought to make this paid for. They were listening to their constituents back home and they are concerned about it. I know colleagues on both sides of the aisle are definitely concerned about this deficit. But I just wish to say if it had passed and it would have been another hiding of the debt by doing it in that fashion.

Since that failed, we now have it in this bill for 1 year. It is going to be unpaid for and it will go straight to the debt. I think people who voted against the last doctor fix because it was not paid for and added to the debt should vote against this legislation because it continues to take us in that direction.

Finally, I will say the entire debt process we are on is dangerous to our economy in the long run. This much money being poured into the economy and being unwisely spent—as Mr. Becker warned us a year ago—has to have some positive impact. For heaven's sake, you borrow \$800 billion from the future and you pump it into this economy today and now we are talking about another \$100 billion we borrow

from the future and pump into the economy today—those kinds of actions have to have some positive impact, at least in the short run. But nothing comes from nothing. There is no free lunch. We know somebody will pay. Can anybody dispute that—that anything we take in today and distribute among ourselves and enjoy today somebody paid for?

Who is going to pay for this? Let me tell you. Last year, the interest on the debt of the United States was \$187 billion. That is a lot of money. The Federal highway bill is \$40 billion. Interest on the debt was \$187 billion. Alabama, an average size State of 4 million people, has a general fund budget of less than \$10 billion. \$187 billion. But because we are tripling the debt in 10 years, in 2019, according to the Congressional Budget Office, in that year alone people still alive and well in the United States and making some money and trying to feed their families will pay \$800 billion on the debt in interest—in that year alone, \$800 billion.

This is a burden that our economy will be carrying for years. By the way, there is no plan to pay it down. In fact, in 2019, it is projected the deficit will be almost \$1 trillion that year. The debt, the deficit, and the shortfall in income over expenditures in 2019 will still be growing. The debt will still be surging.

Greece is in such a terrible fix today; their deficit amounts to about 12.7 percent of the entire gross domestic product of the nation of Greece. They are considered to be very unstable. The economy is thoroughly in danger. They are going through some significant reforms to try to work their way out of it. Our deficit-to-GDP ratio this year is 9.7 percent.

This is one of the highest ratios in the world, and it is a danger that we face. So to get down to the nub of the matter, I am not going to vote for this bill. I am sure some of my colleagues will say: That is because you do not like the unemployed, and you do not want to help them. I do want to help them.

I am sure it is going to be because some of my colleagues will say: You do not want to pay the doctors. You do not like doctors so you are mean and cold-hearted. And: Do not worry about the debt, SESSIONS.

But at some point we have to bring our house under control. Just like a family budget, we cannot continue to spend dramatically more than we take in.

We passed a resolution. This Senate passed a bill that is supposed to limit expenditures through a pay-go mechanism. It was predicted then that people were not serious when they were passing it. This would be the second time we voted in a matter of weeks to break through pay-go, and this is \$100 billion.

I would suggest there are a number of things that can be done. One of them is, we can go back and look at the unspent stimulus money. There is

about \$170 billion not only unspent but unobligated at this point. That money can be utilized to take care of some of these needs we have, and there is no doubt we could do that. We could find other mechanisms to deal with this, and one of the things we are going to have to face up to is that there are a lot of programs in this government that are not returning value for the taxpayers. We are extracting money from taxpayers. We are sending it out to programs that are not producing any legitimate return, and they should be eliminated. When is the last time we have ever eliminated any expenditure in this country where we can see that it has not been effective?

Well, a lot of our reports show that a lot of our government programs are ineffective. There are a lot of things we can do to enhance our productivity as a national government to eliminate this surge in debt and get us off the path we are on that I think leads to financial problems in the future.

A witness before the Budget Committee testified that studies show that this kind of debt with the high interest payments, will pull down our economic growth.

Most people think economic growth is going to get us out of this fix. But if we are burdened with high interest rates, if the U.S. Government is going out in the marketplace and competing with private business to get people to loan you money, it tends to drive up interest rates. It tends to reduce the amount of money available in the marketplace for private business. They predict it would at least reduce the growth by 1 percentage point in the future. When you are talking about 2 percent annual growth, and you drop to 1 percent growth, or 3 percent and you drop to 2 percent growth, this is serious.

So it is no doubt this kind of debt will crowd out spending when we have \$800 billion in the tenth year just to pay interest. It will be the biggest expenditure the government has on any account. That is a problem.

So I would say it is time to take this bill back. Let's look at it. Let's see if we cannot contain some of the spending that is in it, and let's see if we cannot pay for the rest of it and produce a bill that we can be proud of that will help people in need without socking it to the debt of America.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

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

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

#### NATIONAL DEBT

Mr. DURBIN. I do not quarrel with the Senator from Alabama about our national debt and the threat that it possesses. I certainly understand we are borrowing a lot of money from countries overseas, and we want to see that come to an end.

That kind of indebtedness leads to a dependency which is not healthy for

our economy or our future or our children. I certainly would agree with the Senator from Alabama on that.

I was not here for his entire presentation, but there are several things I think should be made clear for the record. The point is, some 9 years ago, when President William Clinton left office, he left office with a national debt, total accumulated national debt throughout our history of about \$5.7 trillion. But when he left office, we were in surplus. We were actually generating a surplus in the Federal Treasury, and the surplus was being used to extend the life of the Social Security trust fund. We were adding more and more years of solvency to Social Security because we were generating a surplus.

It is hard to imagine that this was the case only 9 years ago, and yet it was. The government was then handed over to President George W. Bush, a new administration, an administration that ran on a platform of fiscal conservatism and dealing with overspending and the national debt.

What happened at the end of 8 years? At the end of 8 years, the national debt had grown from \$5.7 trillion, on the last day that William Jefferson Clinton was in office, to almost \$13 trillion when President George W. Bush left office 8 years later. It more than doubled in that period of time.

What happened? First, the situation beyond President Bush's control: 9/11, devastating to our economy. We know what happened. People stopped purchasing, people stopped traveling. There was a general concern about the safety of our country and the certainty of our future, and that took its toll on our economy. There is no question about that. I am not going to go into any suggestion that President Bush was culpable in that regard. He was a victim as we were as a nation on 9/11. But conscious decisions were then made by this administration after 9/11: For instance, the decision to invade Iraq was a decision I did not share. I was one of 23 Senators who voted against the invasion of Iraq. I happen to think that was the right decision to stay out of that war.

But, as a nation, we deciding to go forward. Congress voted that way. President Bush said: We are going to wage this war, but we will not pay for it. We will take the cost of this war and add it to our national debt.

If you look back at history, World War II, for example, most of us remember either reading about or seeing some evidence of war bonds—borrowing from the American people to pay for war. Yet we incurred a massive debt at the same time. Wars are costly.

President Bush initiated this war in Iraq and Afghanistan and paid for neither one. That added to our national debt. He also did something that had never been done in the history of the United States. In the midst of a war, President Bush said we are going to cut taxes. It is counterintuitive.

We know that in a war we need more money, not just for the ordinary course of expenses of government but also because of war costs. Instead, the President cut taxes on the wealthiest Americans, adding to our national debt.

Then came a proposal to modify the Medicare Program for prescription drugs. I thought it was a positive thing. We could have saved a lot of money if we would have built into it competition for the pharmaceutical companies. But the pharmaceutical companies did not want that. They prevailed. We ended up passing the Medicare Pharmaceutical Program, and it cost us about \$400 billion, added to the deficit.

Start adding those things up and we realize that at the end of 8 years, a President who had promised to be a fiscal conservative left us with twice the national debt that he had inherited and the weakest economy America had seen since the Great Depression.

When President Obama took the oath of office a little over a year ago, he inherited this weak economy and two wars. He inherited another \$1 trillion in debt that came out of this weak economy as soon as he walked into the office. So when my Republican colleagues come to the floor of the Senate and talk about how insensitive Democrats are to our national debt, I have to remind them when they were in control and their President was in control we more than doubled the national debt. We had two wars, unpaid for; we cut taxes on the wealthiest people in America; we added a Medicare Program that was not paid for; we left the economy in shambles; and left the debt for the next President. It was not a welcome that most Presidents would like at the White House.

Now come the Republicans and say: Well, the thing we need to do at this moment in time, with all of our unemployed, is to cut government spending.

I have to say to them, I want to cut out wasteful spending. But if you ask any credible mainline economist, they will tell you that cutting government spending in general is exactly the wrong thing to do when the economy is in recession.

What we need to do is to infuse the economy with investments and spending that will keep aggregate demand growing for goods and services, keeping people in business, hiring people, who then pay their taxes and go on to buy products that help others. That is the nature of the kind of economic activity that brings us out of recession.

So when the Republicans argue to cut spending in the midst of a recession, they are going to dig the hole deeper. There will be less money spent in the economy. There will be less demand for goods and services. Fewer people will be working, fewer businesses surviving, and the recession will get worse instead of better.

So the bill before us is a bill that has several provisions in it, and one of them deals with providing unemploy-

ment insurance for those who have no work. Now, I will concede the fact that we never dreamed this recession would go on as long as it has. But for many people, some have been out of work for over a year, some 2 years. They are desperate. There are five unemployed people for every job in America. What we provide is about \$1,100 or \$1,200 a month—hardly a sum that one can live on comfortably for any length of time in most places in America. But that \$1,200 a month keeps families together—barely.

Now the Republicans come to the floor and say this is a serious mistake. Providing unemployment insurance, according to the Senate Republican whip, Senator KYL, creates a disincentive for people to look for work.

Well, I would challenge him. I have talked to the people who are out of work and have yet to find any who believe they are basking in the glow of unemployment insurance. It is barely enough to get by, and most people are exhausting their savings.

Second, this bill is going to provide for additional help to pay for health insurance for the unemployed. If you lose your job, the first casualty is your health insurance. So the President said, we need to have our government pick up 65 percent of the health insurance premiums for the unemployed.

How much do they run? It is \$1,200 or \$1,300 a month in my State, the average for a family, health insurance plan. So it would eat up virtually every penny of unemployment just to keep your health insurance plan. So we pick up two-thirds of the cost, and the people try to hang on, paying about \$400 a month so they can keep their health insurance.

What difference does it make if they lose their health insurance? Well, two things are going to happen if they lose their health insurance. They may qualify for Medicaid, which is a government health insurance plan, which we will ultimately pay for as taxpayers. They will certainly lose their continuation of coverage, so that if someone in their family has a preexisting condition, they may find it difficult to ever qualify for insurance again until they find that job and get into a group policy. If they have a child who is asthmatic or who has a serious illness, they may find that child uninsurable because they have lost their health insurance.

So when Members of the Senate come before us and say they are going to vote against unemployment benefits and health insurance, they are literally voting against millions of Americans who are flat out of luck and have no place to turn and are merely trying to make it and trying to get by.

Part of this measure is paid for in offsets and sources of revenue. I certainly applaud that.

I thank the Senator from Montana, the chairman of the Senate Finance Committee. But then come the Republicans and say: Well, let's put more

money into this for all of the things included and take it out of the stimulus package.

Remember, the stimulus package was the President's way of trying to keep this economy moving with tax cuts for working families, a safety net for those out of work, money for local units of government that have seen a downturn in revenues, and investments in America's future.

Now, I have seen some of those investments, and I will just say that I think those are investments that will pay off in jobs today and in assets in America and that will serve us for a long time to come.

Two weeks ago I was up on the west side of Chicago, in Austin, where they opened a new family care health center. It is a primary care clinic for those who do not have health insurance or do not have much money, where they can see a doctor. It is going to be the nicest building on the block. It is beautiful. One-fourth of the money came from the President's stimulus package. It put a lot of people to work building it and now has created an asset that will serve that neighborhood and that city for a long time to come.

Two days ago, I was down in Caseyville, IL, 300 miles away from Chicago. I saw another project with about \$1.6 million of stimulus money that is going to build a community retirement home in this area. I saw the people out working on the jobs now just this week.

Ultimately, beyond the hundreds who will build this project, some 50 will be full-time employees. We are investing back in the community, in high-speed rail, in highways and bridges, in basic infrastructure, and in things that will serve us for a long time to come.

The Senator from Alabama says: Let's stop doing that. Let's stop putting that money into those investments.

I think that is shortsighted. I think what we need to do is to follow the President's lead and to make the investments in our economy today to get it chugging and moving forward. That, to me, is the first step in reducing our long-term deficit. Until we get out of this recession, get people back to work, paying taxes, the deficit will continue to grow.

What is the second thing we can do to deal with our deficit? Health care costs. Health care costs are going through the roof. I have said before that the mayor of Kankakee, IL, told me last week that she just got the health insurance bill for 2,900 city employees for next year, and the premiums are going up 83 percent. She is going to cut back on coverage, more copays, more deductibles, and hope to get it down to a 50-percent increase. It will mean that in a city that is hard-pressed to meet basic needs, there will be an additional million dollars in health insurance premium costs next year for even less coverage. That story is being repeated over and over across the United States.

On Sunday, at a press conference in Chicago with four small businesses, each one told the same story, that they had reached a point where they couldn't afford health insurance for themselves as owners or for their employees. They told of terrible situations where some of them had children who were literally dropped from coverage because they couldn't continue to pay the high premiums that went through the roof.

The Republican side of the aisle has told us: Stop this debate on health care reform. Let's stop and start over. As the President said the other day, the health insurance companies are not starting over. The health insurance companies are continuing to do what they know how to do, and that is to raise prices.

Goldman Sachs is a firm with which most people are familiar. They put out a report very recently about what they considered the best thing for the health insurance industry. Goldman Sachs said, in this article that was published in the Huffington Post:

What the firm sees as the best path forward for the private insurance industry's bottom line is, to be blunt, inaction.

The study's authors [at Goldman Sachs] advise that if no reform is passed, earnings per share would grow an estimated ten percent from 2010 to 2019, and the value of the stock would rise an estimated 59 percent. The next best thing for the insurance industry would be if the legislation passed by the Senate Finance Committee is watered down significantly.

This says that the best way to reach higher profitability for health insurance is for us to do nothing. The second best way is to do very little. That is what we are being asked to do by the Republican side of the aisle, either do nothing or do very little, take baby steps, don't really deal with the issue. That is not going to solve the problem.

If we are going to provide competition and choice for small businesses and people buying health insurance, we should offer them what we have as Members of Congress. If it is good enough for us, wouldn't it be good enough for the rest of America? Our plan is pretty good. It is called the Federal Employees Health Benefits Program. Eight million Federal employees and their families are in there. It has been in existence for 40 years.

My wife and I each year have an open enrollment period to choose from nine different private insurance plans in my State of Illinois. These are plans that have to meet the basic requirements of Illinois so that they are not plans that are worthless and they are plans that we pick based on our state in life. My wife and I are at a point where we buy the biggest plan, the high-option plan. The Federal Government pays a share of the premium cost; we pay the rest. We would pay less if we had less coverage. But if we don't like the plan, next year we have open enrollment again. We can pick another one. What a great idea for consumers, to be able to pick and choose, go shopping just

like one would for an automobile, to pick the one that is right for your family, the one you can afford, the one that gives you the coverage you need.

If that is good enough for Republican and Democratic Members of Congress, Senate and House, why isn't it good enough for America? Why don't we have exchanges just like that available for businesses and individuals to choose from, the best private health insurance plan that meets their pocket-book needs and their health needs? That is what our bill does. Many on the Republican side have condemned it as socialism. The government administers it, at least sets up the plans on the insurance exchange. Guess what. Every Senator's health insurance plan would be socialistic by that definition. I don't see them rushing down to the Secretary of the Senate to cancel their coverage. They love it. I do too. It is the best health insurance you could ask for. To require minimum requirements in terms of what coverage it will have, that is what our plans do. When we say, do that in the bill, they say, there it is, government-run health insurance. It is not. It is private health insurance plans.

There are 50 million Americans without insurance. We provide coverage for 30 million. Those are people who, when they get sick, go to the hospital, get taken care of, and the cost of their care is passed on to everybody else who has health insurance. That is not fair. It costs us a lot of money as individuals. We pay \$1,000 a year in extra premiums for the uninsured. Our idea is to bring people under coverage so that when they go to the hospital, their care is paid for, not by us but, in this case, either by private health insurance or by Medicaid, the government health insurance plan.

When we asked the Republicans, if we cover 30 million in our approach, how many do you cover of 50 million uninsured, their answer is 3 million. That is not much of an effort, when you think about it. I can understand why we need to do more.

There are two last points I wish to make. One is that if we are going to deal with health insurance in an honest way, we need to at least tell the health insurance companies that the party is over. First, their antitrust exemption, which they have had for 65 years, has to come to an end. Should they be allowed to collude and conspire on prices and divide up the market at the expense of consumers? We ought to put an end to it. The House voted to do that. Secondly, we have to put an end to the awful practice by many health insurance companies to deny coverage to individuals because of preexisting conditions, for example, or to say, if you get really sick, they will just cut you off in terms of how much they will pay. Those things are gross abuses. They need to change. The Republicans have yet to offer a plan that deals with those gross insurance abuses. Their baby steps don't even deal with the serious issues.

Finally, when it comes to Medicare, 40 million Americans count on it, those who are seniors and disabled. It only has about 9 years of solvency left. Our bill doubles the life of Medicare, another 9 or 10 years of longevity. That is good for seniors and for all of us. We want to cut out the waste, and there is waste. We want to provide basic quality care. But doing nothing, as many Republicans counsel us to do on health care reform, means Medicare will go broke in 9 years. I don't want to be around to see that happen. I want to be part of the solution.

My final point is this: We started off talking about the deficit and debt. If we don't deal with health care costs and bringing them down, we can't raise enough money in taxes to keep up with this skyrocketing cost. State governments, local governments, and the Federal Government will all be faced with this kind of increased bill and increased debt and increased deficit each year. That is the reality of doing nothing on health care reform when it comes to deficit and debt.

I ask unanimous consent to have printed in the RECORD a New York Times piece relative to the health care insurance industry, as well as this analysis of managed care by Goldman Sachs and several articles which outline exactly what is going to happen. The health care insurance industry is praying that we do nothing because their profits will continue to skyrocket. That is not fair to the families across America.

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

[From the New York Times, Mar. 6, 2010]  
OBAMA WIELDS ANALYSIS OF INSURERS IN  
HEALTH BATTLE

(By David M. Herszenhorn)

WASHINGTON.—To bolster the case for a far-reaching overhaul of the health care system, the Obama administration is seizing on a new analysis by Goldman Sachs, the New York investment bank, recommending that investors buy shares in two big insurance companies, the UnitedHealth Group and Cigna, because insurance rates are up sharply and competition is down.

White House officials on Saturday said that the Goldman Sachs analysis would be a "centerpiece" of their closing argument in the push for major health care legislation. The president and Democratic Congressional leaders are hoping to win passage of the legislation before the Easter recess. Republicans remain fiercely opposed to the bill.

The Goldman Sachs analysis shows that while insurers can be aggressive in raising prices, they also walk away from clients because competition in the industry is so weak, the White House said. And officials will point to a finding that rate increases ran as high as 50 percent, with most in "the low- to mid-teens"—far higher than overall inflation.

The analysis could be a powerful weapon for the White House because it offers evidence that an overhaul of the health care system is needed not only to help cover the millions of uninsured but to prevent soaring health care expenses from undermining the coverage that the majority of Americans already have through employers.

Republicans, however, could also point to the analysis as bolstering their contention that Democrats should be focused more on controlling costs and less on broadly expanding coverage to the uninsured.

The research brief is largely based on a recent conference call with Steve Lewis, an industry expert with Willis, a major insurance broker.

In the call, Mr. Lewis noted that "price competition is down from a year ago" and explained that his clients—mostly midsize employers seeking to buy health coverage for their employees—were facing a tough market, in which insurance carriers are increasingly willing to abandon existing customers to improve their profit margins.

"We feel this is the most challenging environment for us and our clients in my 20 years in the business," Mr. Lewis said, according to a transcript included in the Goldman brief. "Not only is price competition down from a year ago," he added, "but trend or (health care) inflation is also up and appears to be rising. The incumbent carriers seem more willing than ever to walk away from existing business resulting in some carrier changes."

The report also indicated that employers are reducing benefit levels, in some cases by adding deductibles for prescription drug coverage in addition to co-payments, and raising other out-of-pocket costs for employees as a way of lowering the cost of insurance without increasing annual premiums and employee contributions to them.

Kathleen Sebelius, the secretary of health and human services, is expected to discuss the Goldman analysis on two Sunday television talk shows, "Meet the Press" on NBC and "This Week" on ABC.

In his call with Goldman, Mr. Lewis said beneficiaries were feeling the brunt of the changes to existing policies. "Visually to employees, they're fairly significant," he said.

But the report also sounded cautionary notes that the administration will probably not want to highlight.

Asked by Goldman analysts about the effort to pass major health care legislation, Mr. Lewis said many employers experiencing increases in their insurance costs were nonetheless apprehensive about the president's proposal.

"They're very mixed in their reaction, quite candidly consistent with what we're seeing in the polling numbers by party lines," Mr. Lewis said. "I think most people would acknowledge that there's a need for health care reform; employers continue to be very frustrated. So when they look at what the Obama administration and the Democratic majority state as their goals to increase access and lower cost and rail at what may be termed oligopolistic behavior of carriers in certain markets, I think employers really buy in to that message and have much of that frustration and anger at our lack of solutions."

And yet, he said, there is little enthusiastic support from employers for the Democrats' proposals.

"Many of them still view the legislation and the partisanship coming out of Washington as possibly the medicine worse than the disease," he said. "So many employer groups that we're talking to feel like it would be a shame to lose an opportunity to do something with respect to health care reform. But many are starting to feel like maybe nothing is better than something in this current environment."

[From Goldman Sachs, Mar. 3, 2010]

AMERICAS: MANAGED CARE—A FRONT-LINE  
PERSPECTIVE ON 2010 COMMERCIAL PRICE &  
PRODUCT TRENDS

TRANSCRIPT FROM OUR SIXTH ANNUAL CALL  
WITH STEVE LEWIS

We hosted our seventh-annual industry expert conference call with Steve Lewis, regional leader for the employee benefits practice of Willis, the third largest insurance broker in the world. The call provided a front-line perspective on 2010 industry pricing and product trends, with a focus on the key middle-market segment of the industry.

A transcript of the conference call is provided in the body of this report.

INDUSTRY PRICE DISCIPLINE HAS  
STRENGTHENED FURTHER

Two years ago, Lewis and his team were one of the few industry sources pointing (correctly) to aggressive pricing by the carriers in a lead up to severe margin deterioration experienced in 1H2008. Then, a year ago, Lewis and his team pointed to stronger pricing discipline by most of the public companies (though with some outliers). Now, Lewis and his team find price discipline has strengthened noticeably further.

OUR VIEW IS THAT THE INDUSTRY DOWNCYCLE IS  
BOTTOMING

We note that the improvement in commercial industry pricing discipline has emerged from multiple industry sources over the past 18 months. Our view is that it reflects a recovery from the severity of underpricing during the recent industry down-cycle that we think is now bottoming.

With the group, our favorite names are UNH and CI, both CL-Buy rated. That said, ours is a sector call as we see a "rising tide lifting all boats" as: (1) the cycle turn shows in reserve building this year, with margin expansion next year, (2) health reform uncertainty recedes, and (3) the headwind to earnings from negative operating leverage eases as we anniversary the severe member drop of 2009.

TRANSCRIPT OF CONFERENCE CALL WITH WILLIS  
Matt Borsch, Goldman Sachs:

Good morning, everyone. Thanks for joining us today for the Goldman Sachs Managed Care Industry Expert Conference Call with Steve Lewis of employer benefit consulting firm Willis. This will represent our 7th annual conference call with Steve Lewis.

Steve and his team have agreed to give us frontline perspective on 2010 managed care pricing and product trends. As background, Willis is the third largest insurance broker in the world with approximately 350 million in employee benefits revenues in North America with a focus on the middle market employer segment.

That focus is particularly valuable given the lack of visibility on the segment from the other health benefit consulting firms. And let me just elaborate on that. The context is that national employer benefit consultants such as Hewitt, Mercer, Towers Perrin, and others really focus their attention on the jumbo employer segment, which is overwhelmingly a fee-based non-risk model.

However, the biggest earnings driver for the managed care companies are the fully insured risk lives, and those are mostly through the small and mid-size employers that buy through health insurance brokers. And we found that the brokers typically lack the scale and sophistication to have a good perspective on macro industry trends.

However, as healthcare coverage has become more and more of a significant outlay for employers, they've needed greater expertise but are often under served by the national benefit consultants that focused on



jumbo employers, so that's where Willis has built its focus, serving as a high service benefit consultant for the middle-sized employers.

With that as an intro, let me reintroduce our guest speaker Steve Lewis, executive vice president at Willis and regional practice leader. As background, Steve has 20 years of experience in the employer benefits industry and previously served as a national account executive with Oxford Health Plans, and also worked previously as a consultant with Hewitt Associates.

With that, I'll turn it over to Steve to kick it off. Following that, I will serve as moderator for a series of topical questions, and then, we will open it up to investor Q&A.

Steve Lewis, Willis HRH:

Good morning, Matt. Thank you again, for hosting us on this call. As always, I enjoy the opportunity to do this with you each year. I also want to publicly acknowledge and thank our team here for their support. The insight that I'll provide today and have previously provided is largely the amalgamation of information that's developed from our team working day in and day out with clients throughout the country.

I would add that my comments on this call will be directly based on my team's experiences and do not necessarily reflect the experience of my Willis colleagues from around the country.

Borsch:

Thank you for that, Steve. Let me jump right in here with, perhaps, the most important question from the standpoint of institutional investors looking at the sector, and that is, what are you seeing in terms of competition between the carriers, specifically relative to last year or two years ago or whatever you want to use as the baseline, has price competition increased or decreased?

Lewis:

As a specific answer to that, we would say, price competition is down from year ago. An overall theme that we would characterize this year, meaning, when I say this year, the just completed January 1 renewals, and continuing up and through today. We feel this is the most challenging environment for us and our clients in my 20 years in the business.

Not only is price competition down from year ago (when we had characterized last year's price competition as being down from the prior year), but trend or (healthcare) inflation is also up and appears to be rising. The incumbent carriers seem more willing than ever to walk away from existing business resulting in some carrier changes.

And that's a significant adjustment from last year where we saw aggressive pricing on the renewal front but not so much on the new business front. And then I'd say the other real theme is we've seen some service levels that have gapped among few of the major players which has further increased switching of carriers.

Borsch:

Let me move on to the next question here. If you look at the landscape, what role do you see Third Party Administrators or TPAs playing in the competitive landscape? And I guess this gets down to a related question if you could address between the employer decision to self-fund or go with the fully insured purchase, are employers shifting one way or the other.

Lewis:

Yes, I think taking the Third Party Administrator piece first, as in prior years, we've seen little to no new penetration in our client base from the TPAs. There's still an occasional place for them in the market-

place, but fewer and farther between in our opinion.

The networks have expanded to the extent across the country that there is now very significant overlap, and the TPA discounts no longer really compete with what the major managed care carriers have been able to do from a network standpoint.

With respect to the second part of your question (related to the self-funding versus fully insured question), our clients primarily seem to want certainty in this economic environment with respect to their healthcare spend.

So, unless they have either a reasonable track record of consistent and relatively predictable claim patterns, clients that we expect to be fully insured are still largely biased in that direction, and those that are on the fence as to whether they should be fully insured or self-funded seem to, again, be biased more towards the fully insured product.

I would add that where we have had increased conversations is with our smaller client segment that are increasingly frustrated with what we call blind renewals, meaning, no claims data, and experiencing large increases on top of no claims data.

As a result, there's absolutely increased interest at the smaller client segment in evaluating potential self-funding with stop loss protection.

Borsch:

Getting back into the topic of the competitive dynamics, can you touch on how criteria other than price play a role in carrier competition, whether that's in fully insured or self-insured or to the extent you draw a distinction, and to the extent that maybe that's changed or not changed a little bit versus a year or two ago?

Lewis:

Yes, I think, as we've talked about in prior calls, price remains king in the middle market, and is probably queen as well. Factors that can be a tie breaker other than price would include network disruption to the specific population; market perception of the competitive carrier's reputation; product flexibility, meaning willingness to allow prescription drug carve-outs; ability to provide detailed reporting in a certain employee population level, and funding arrangements offered. Not just the self-funded versus fully insured argument but some of the hybrids or the more creative solutions within the fully insured marketplace such as minimum premium or participating contracts in the fully insured environment.

Those things taken together can all factor in as tie breakers with respect to how employers are evaluating carriers. But even still, price certainly remained the most significant driver.

I would add one thing; you asked how it's changed from prior years. I think last year on this call, we talked specifically about the playing field that was fairly level on the service end of the equation and as I mentioned at my opening comment, we have seen a bit of gapping with respect to the services at some carriers. And that is driving employers to certainly take a look at what's available on the marketplace. Then again, finding that there's not a lot of aggressive price competition, the service disruption would have to be fairly significant for somebody to move knowing that they're not going to be able to trade down pricing very significantly.

Borsch:

Is it the case that the service disruptions that you've seen in some instances are severe enough to reach the threshold where they switch?

Lewis:

The short answer is yes. We have seen some of that, and I think we've seen it at a

lower price threshold than what we would've seen in the past.

Borsch:

Let me move to a slightly different topic here, and obviously, the background here is the severe recession that was certainly having an impact when we talked a year ago. But, now we've been through a lot more pain even though the economy is showing signs of recovery. A lot of the impacts of these types of things are lagged.

So, I guess, it's sort of a general question how significant a role has the recession played in the clients' product managed care strategies. And, what have you seen in terms of the overall group enrollment changes related to that? It's sort of a high level question there, but trying to understand what the impact of the severe recession has been on the way employers look at things, buy things, and on enrollment?

Lewis:

Yes, I'd say, it's a great question and an interesting one particularly as we look at this market. You mentioned the lag factor and the timing of the stock market drop of mid-September 2008 was fairly late in the game to impact many employers' January 2009 strategies. So, most were not making any significant benefit changes, and/or made the specific decision to hold the line when it came to health benefits at the end of the day due to the freezes or cutbacks in other areas such as pay, 401K matches, and staffing levels.

So this year, I think, we saw a lot of employers saying, they were not going to make that mistake again or very early on in 2009 looking back and saying, if I had to do it over again, I probably would've made more drastic changes and not held the line with health benefits.

So, it is a bit ironic that they didn't—a lot of employers chose not to make the change last year when we were in the deepest part of the recession. But this past year the renewal process started much, much earlier for employers even knowing that the sooner they started, the more impact trend uncertainty would have on their renewal.

Strategic planning just started much earlier, and employers wanted to see just about every option under the sun both in terms of pricing, plan design, extreme options, really hedging themselves trying to get some clarity as to what their options were with respect to health benefits, because they didn't have clarity on either the direction of the market, the economy, or even their own specific prospects.

So, as I mentioned at the outset, it was without a doubt the most challenging renewal cycle in my 20 years of this business with employers really struggling with how and what was going to drive their decision combined with the lack of aggressive and competitive pricing in the marketplace.

I think, to your last point about how that may have impacted group enrollment, I'm not sure I have anything significant statistically to share with you today. However, anecdotally, I would say that enrollment is down across our book of business. We looked at 2009 going into the year and planned for the enrollment on our client base to be down 10 percent, and I would say that was fairly accurate.

Borsch:

You alluded to something I just wanted to clarify—it may be that this isn't measurable, but on the question of adverse selection (and, here, we're talking about the employer market, not the individual market), you alluded to the potential that some employees might be more likely not to take up coverage or, in fact, to discontinue employer subsidized coverage, because even though it is subsidized it

can be a very sizable chunk out of their pay for a benefit package that may look less attractive after some of the changes the employers have made.

So, to the extent you can infer if you're seeing any of that (and, related to that, the COBRA uptake), has that been something that you measure? Has it come up in how the carriers have presented their pricing? Finally, do you have any sort of visibility on whether that trend is increasing or abating?

Lewis:

Let me take the first part on something I've alluded to about the potential for adverse selection due to younger, healthier folks dropping and/or not selecting coverage to begin with. You know, I think it depends a bit on the demographics of the population, the type of industry; our clients really span just about every industry out there.

So is adverse selection on the rise in the group market? I would say it is, but I don't have any data to back that up, but just based on the fact that the population is down 10 percent across our book. And we look how the census in those client populations has shifted. I would suggest that there is: I don't want to overstate it because I'm not sure it's significant at this point, but I certainly would see some creep, if you will on adverse selection.

I think that ties to your second point about COBRA uptake. We did not keep specific statistics on the extent of COBRA uptake. But we certainly saw it across the board, in our client base, and we certainly believe that it is impacting the pricing that our clients are experiencing.

Borsch:

Given what you're facing from a more conservative underwriting environment amongst the carriers, how are you leveraging or seeking to leverage current market conditions to your clients' advantage in renewal negotiations?

Lewis:

Well, as stated the outset, and probably ad nauseum at this point and it's been a tough year.

Carriers were very selective in going after new business, and incumbents were willing to walk away from existing clients. So we had to be incredibly creative in our negotiation tactics as well as in our strategic advice with clients. And again, it was something that fortunately for us, in the process, we did start early and while it consumed a lot of energy from all of the stakeholders it was probably the year of creativity.

With respect to negotiation tactics, one of the interesting things is that we seemed to have seen a bit of a bifurcation in the marketplace at the plus or minus 300-employee size.

In the groups under 300 employees, many of them don't have or are unable to get control of their claims data either as a result of the products they've purchased or just underwriting guidelines at the carrier level where they don't have complete control of their claims data. In that under 300-market place, there was very little competition and very high renewals right out of the gates.

However, in the over 300-employee market, if the claims data was available and in a detailed way and you could make a story about that claim's pattern and possibly make adjustments for a spike—a one-time spike. Then, you would see competition pick up. But again, it was very selective and certainly not anything we would characterize as overly aggressive.

Borsch:

This lead in to the next question: Can you generalize about what is the average rate increase that you're observing: both the initial

carrier request and the final end point, post negotiation and plan changes? And can you tell us about the extent of plan benefit reductions in achieving final results for your clients?

Lewis:

Averages are tough, you're right, and probably don't tell a very good story and some clients look at that and say, wow, how did you get that average? I must've been the high person. But the range was all over the place and fairly extreme. I'd say we settled in a range, on our book of business, from a 5% reduction to a 50% increase.

But generally speaking, we were in low to mid-teens out of the gates, and this is where the real challenges begin. Because negotiations generated no more than one to one and a half points with no plan changes. And so it's almost like you were getting a first and final and you had to dig through the renewals to find a mistake.

That's less movement than we've had in each of the prior years and certainly, not turned in the right direction from our clients' perspective.

Borsch:

But on the benefit plan changes that your clients have implemented, would you say those are more substantial today than what you saw a year ago?

Lewis:

I would say that incrementally the changes are more substantial, but visually to employees, they're fairly significant. You know, just about everybody did something this year. And it did vary as you would imagine by the extent of the renewal and the existing plan structure, but things like 100% co-insurance are virtually gone.

Borsch:

Yes.

Lewis:

What we saw was a lot of tweaking, where we'd see the employers bifurcating the primary and specialist co-payments, adding prescription drug deductibles on top of co-payments, and really focusing on plan changes first and foremost before looking at impacting employee contributions.

Investor Question:

You talked about client renewal process starting earlier as the planning process started earlier. Does that mean the contracts are actually being signed earlier and therefore the carriers will have more visibility into the premium yield this year compared to previous years?

Lewis:

Great question. The answer is no. The contracts are not renewing any earlier, just the negotiation process. So, in our world, generally speaking, we would look to get a renewal (depending on the size of the group) from 90 to 120 days before the expiration of a renewal.

This year, clients were looking to us (and to a certain extent from the carriers) to extend that to 6 months out: where we start predicting where the renewal is going to end up. And to the extent that the carriers were willing to provide a preliminary renewal, they have to load in a lot of trend because they have to make guesses on the claims going forward.

And then as you move closer to the expiration date, they offset trend with the wrong claims experience. So nobody was renewing or signing contracts earlier, they were just dragging the process out much, much longer from both the carrier side and the employer side.

Borsch:

Let me ask a question, and hopefully, this is isn't repetitive, but in the market studies

that you've reviewed, how wide have the gaps been between the different carriers? Have you noted one carrier or groups of carriers relative to the others that have been especially aggressive or perhaps overly conservative that stand out?

Lewis:

The short answer is no. I think in particular situations, we've seen a couple of carriers be more aggressive than others. But I'm putting quotes around more aggressive because we're generally in the three to five percent range between pricing from where an incumbent renewal might be and what might be considered aggressive.

Now, there were few exceptions on some of our larger middle market clients, as I've mentioned earlier, with very clean data, stable business, perhaps a one-year blip with the incumbent that cause the incumbent to get skittish and want to shut the business and a competitor to come in and price it more aggressively. But as a general rule, Matt, we were in a pretty tight range during the market study process.

Borsch:

We've talked in prior years about tracking the gradually growing interest in the consumer-directed health plan products. Where you would say we stand now? Have you seen the uptake increase meaningfully as a result of all the pressure of the last year? And, you know, if you can offer a little bit of a forecast, do you think that may change going into 2011?

Lewis:

Yes. Surprisingly, we have not seen a significant shift towards the consumer directive plan. Across the board, it's now an option for most employer groups. And the clients that have offered it for the longest period of time (call it three-plus years) are now exceeding double-digits, but that's the low double-digits for enrollment as an option.

New offerings continue to generate very low enrollments out of the gates with still almost no full replacements at this point. I think the one shift we have seen is a swing towards health reimbursement accounts and away from health savings accounts that more employer-friendly. And employers are doing more to tie their wellness rewards and strategies to their health reimbursements accounts.

So I'd say if you ask about a crystal ball, really the tying of wellness and to focus on improving the health of a population, then consumer health plans tied to an HRA account is where we see this market moving and really the potential for the biggest surge.

Borsch:

Let me just conclude with one last one I want to throw at you here, Steve. This has been tremendous insight that you've brought for us so I want to thank you. On health reform, obviously, this is a huge thing in the background but it's a practical matter, but it doesn't necessarily have that much day-to-day impact on things.

But to what extent is health reform something that the employers are looking at? Are they talking to you about it? Have you got "two cents" on where opinions fall amongst employers about what they would like to see happen relative to what's been presented in Washington?

Lewis:

Yes, we are talking to our clients a lot about it. There is a lot of what I would call academic interest at this stage of the game. They're very mixed in their reaction, quite candidly consistent with what we're seeing in the polling numbers by party lines.

I think most people would acknowledge that there's a need for healthcare reform,

employers continue to be very frustrated. So when they look at what the Obama administration and the Democratic Majority state as their goals to increase access and lower cost and rail at what maybe termed oligopolistic behavior of carriers in certain markets, I think employers really buy in to that message and have much of that frustration and anger at our lack of solutions.

But I would also say that many of them still view the legislation and the partisanship coming out of Washington as possibly the medicine worse than the disease. So, many employer groups that we're talking to feel like it would be a shame to lose an opportunity to do something with respect to healthcare reform. But many are starting to feel like maybe nothing is better than something in this current environment.

Borsch:

This is probably a good place to end our call. Steve, thank you very much. This is really a great frontline perspective on industry trends and I want to thank you and your firm Willis, and also thank our investor clients who dialed in.

Lewis:

Thank you, Matt. I appreciate it.

[From the Huffington Post, Mar. 8, 2010]

**GOLDMAN TO PRIVATE INSURERS: NO HEALTH CARE REFORM AT ALL IS BEST**  
(By Sam Stein)

What's Your Reaction?

A Goldman Sachs analysis of health care legislation has concluded that, as far as the bottom line for insurance companies is concerned, the best thing to do is nothing. A close second would be passing a watered-down version of the Senate Finance Committee's bill.

A study put together by Goldman in mid-October looks at the estimated stock performance of the private insurance industry under four variations of reform legislation. The study focused on the five biggest insurers whose shares are traded on Wall Street: Aetna, UnitedHealth, WellPoint, CIGNA and Humana.

The Senate Finance Committee bill, which Goldman's analysts conclude is the version most likely to survive the legislative process, is described as the "base" scenario. Under that legislation (which did not include a public plan) the earnings per share for the top five insurers would grow an estimated five percent from 2010 through 2019. And yet, the "variance with current valuation"—essentially, what the value of the stock is on the market—is projected to drop four percent.

Things are much worse, Goldman estimates, for legislation that resembles what was considered and (to a certain extent) passed by the House of Representatives. This is, the firm deems, the "bear case" scenario—in which earnings per share for the

top five insurers would decline an estimated one percent from 2010 through 2019 and the variance with current valuation is projected to be negative 36 percent.

What the firm sees as the best path forward for the private insurance industry's bottom line is, to be blunt, inaction.

The study's authors advise that if no reform is passed, earnings per share would grow an estimated ten percent from 2010 through 2019, and the value of the stock would rise an estimated 59 percent during that time period.

The next best thing for the insurance industry would be if the legislation passed by the Senate Finance Committee is watered down significantly. Described as a "bull case" scenario—in which there is "moderation of provisions in the current SFC plan" or "changes prior to the major implementation in 2013"—earnings per share for the five biggest insurers would grow an estimated 10 percent and the variance with current valuation would rise an estimated 47 percent.

The report, a Goldman official stressed, was analytic not advocacy-based. Their job was to provide a sober assessment of the market realities facing private insurers under various versions of health care reform.

"If no reform at all happens you would see the largest rise in EPS," a Goldman official acknowledged. "But what we are doing is just analyzing what the stocks would do under different scenarios."

The study does note on the front page that the firm "does and seeks to do business with companies covered in its research reports." Those companies include Aetna, Wells Point and United Health.

In the context of the current health care debate, the findings provide a small window into the concerns that have driven the private insurance industry's opposition to reform legislation. Simply put: health care reform is going to hurt their bottom line. No less a prestigious voice than Goldman Sachs is telling them so.

Some insurers, in the end, will be hit harder than others. CIGNA is the lowest of the big five, for instance, because it does little business providing insurance plans to Medicare patients, individuals and families buying health plans directly, or small employers that offer health plans to their workers.

In addition, some reforms are going to hurt the industry more than others. Regulatory changes—such as prohibiting the prejudice against consumers with pre-existing conditions—will have an impact across the board, as will the funding cuts to Medicare Advantage.

Overall, Goldman calculates the probability of reform passing Congress at 75 percent. Though the limitations of Goldman's political prognostications were on full display earlier in the document:

By mid-late October, we expect a cloture vote (60 votes) to bypass a potential filibuster followed by several weeks of debate over proposed amendments on the Senate floor (with a similar process under way in the House). If both the Senate and House are able to pass legislation (perhaps before the Thanksgiving recess), a House-Senate conference negotiation should produce combined legislation for final approval (perhaps by mid-December).

[From Goldman Sachs, Oct. 19, 2009]

**AMERICA'S MANAGED CARE—10 YEARS OF HEALTH REFORM**

**WE HAVE PUBLISHED A NEW 10-YEAR INDUSTRY MODEL**

As we near the final weeks for health reform efforts in Congress, we have published a new, interactive 10 year model to forecast potential impact.

**WE NOW FORECAST 2010–2019 EPS GROWTH OF 5% UNDER HEALTH REFORM**

Under our "base" case scenario, we forecast core managed care earnings growth would be cut by 50% over the next decade under implementation of the current Senate Finance Committee reform plan. Specifically, we see sector EPS growth at approximately 5% per year under health reform (2010–2019) as compared to 10% EPS growth with no health reform.

We also consider a "bear" case scenario for reform that would drive declining EPS for the sector in aggregate over the next decade. The reform measures that would most negatively impact earnings growth are funding cuts to Medicare Advantage and strict new regulations for the individual and small group business. These would be partly offset by the positive impact of expanded insurance coverage under reform.

**UNDER REFORM, 8% EPS GROWTH FOR CIGNA, –2% FOR HUMANA**

Under our "base" case scenario for reform, our company-level forecasts for 10 year EPS range from a 2% decline per year for Humana (owing to its Medicare Advantage exposure) to growth of 8% per year for CIGNA and Aetna (owing to their concentration of earnings from larger employers).

**NEUTRAL ON MANAGED CARE; CIGNA REMAINS OUR FAVORITE**

We remain Neutral on core managed care although our bias is increasingly for sector upside given the 20% fall in valuations over the past 5 weeks. CIGNA remains our favorite with by far the least downside risk exposure to health reform even as the stock trades at a valuation discount to the group. We also recommend UnitedHealth and Health Net (both Buy rated).

**RISK-REWARD HAS BECOME MORE FAVORABLE WITH LOWER VALUATIONS**

Health reform outcomes: probability, earnings growth and implied return.

	Probability	EPS growth 2010–19E	Expected valuation	Variance w/current valuation
No reform .....	25%	10%	12.5x	59%
Reform "bull" case .....	10%	10%	11.5x	47%
Reform "base" case .....	55%	5%	7.5x	–4%
Reform "bear" case .....	10%	–1%	5.0x	–36%
Probability-weighted .....		6%	8.9x	13%
Current sector valuation .....			7.8x	

Source: FactSet, Goldman Sachs Research estimates.

Mr. DURBIN. I yield the floor.  
The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to speak in morning business for such time as I shall consume.

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

Mr. INHOFE. Mr. President, let me respond to a couple of the remarks of my good friend from Illinois. I listen to this all the time, people talking about during the Bush administration, the costs that have gone up, the deficits and all this stuff. I appreciate the fact

that the Senator from Illinois did state that the situation was a little different when President Bush came into office because, of course, 9/11 happened and we ended up in a couple wars. But that is understating the situation.

Right after the Clinton administration—I remember it so well—I was a member of the Senate Armed Services Committee at that time and actually was a member of the House Armed Services Committee when President Clinton first came in. The euphoric attitude everyone had at that time was that the war is over. Remember we talked about the peace dividend and all this stuff. The war is over and we no longer need to have a strong national defense. That is what they were saying, though they used different words. They started cutting our defense system. I have a chart that shows what happened to—the demise of our ability to defend ourselves during the Clinton administration. We went through the same thing back during the Carter administration. People remember the hollow force at that time.

During the Clinton administration, we started degrading our military. It was reduced by 40 percent from what it was when he took office during those 8 years. When I say 40 percent reduction, I am talking about end strength, military expenditures. The problem President Bush had when he came into office was not just that two wars broke out, but they broke out when we had a defense system that had been reduced by 40 percent.

The second thing that happened during that time—and this is by admission—I remember Senator Gore had made the statement prior to that that the recession actually started in March of the previous year before the second Bush administration started. It is kind of an interesting thing. People forget that for every 1 percent drop in economic activity, that translates into about \$40 billion of lost revenue. Turning that around, for every 1 percent increase in economic activity, that increases revenues about \$40 billion when that happens.

Of course, we started out with a reduced military, negotiating two wars, and with a recession at the same time. Obviously, that had very adverse effects.

Before I get carried away with the remarks of the Senator from Illinois, that he voted against going into the Iraq war, let me remind my fellow Senators that I happened to have been privileged, right after the first gulf war—that was when Saddam Hussein—all the atrocities had taken place, and we had what we called the first freedom flight. That is when we went back into Kuwait to see what the situation was in Kuwait. It was so close to the end of the war that the Iraqis didn't realize the war was over. They were still fighting. You remember they were burning the oilfields and the wind would shift. All of a sudden, it would be daytime, and it would turn into night. I remember going back there. I was with nine other people. There were some Democrats. Tony Coelho, former whip of the House, was there. Alexander Haig, a man we revere, the man I always thought should have been

President, was there. We were watching and looking to see the remnants of the first gulf war.

I had a young girl with me who had fled Kuwait. She was a royalty. She was going back. She wanted to see if a palace on the Persian Gulf was still there. When we got there, we found out that it had been used by Saddam Hussein as one of his headquarters. She wanted to go up in her bedroom. She was 7 years old, and she wanted to see if her animals were still there. They had used her bedroom for a torture chamber. There were body parts stuck to the walls. A little kid had his ears cut off because he was caught carrying an American flag.

I can remember the mass graves. We looked at the mass graves where Saddam Hussein had tortured these people. When he had them sentenced to death, some begged to be dropped—eased into the acid vats head first so they would die quicker. I mean, this is the type of thing that was taking place. Here is a guy who had actually murdered hundreds of thousands of his own people up in the Kurd area by the most painful way of dying. So to suggest we should not have gone back in to finish him off I think is unacceptable.

Before I finish responding to the comments made by the Senator from Illinois, I would only mention, when he talked about how George W. Bush came into office and he cut taxes for the rich and all that, I recall one time in history—actually, it has happened several times in history; it happened right after World War I—they passed tax increases to support the war and when the war was over, they said, we can now repeal the taxes. They repealed the taxes, and it didn't reduce revenue, it increased revenue. That is something that was kind of forgotten until one of the great Presidents came along, John Kennedy.

During the Great Society days he said we are going to have to have increased revenue to pay for all of these Great Society programs. He said the best way to increase revenue is to decrease marginal rates, so he did. Remember, he dropped them down from I think 90 percent to 70 percent or something like that, and during the next 6 years taxes went down and we had the increase in the revenue, which was phenomenal. The last time I checked, President John Kennedy was a Democrat, not a Republican. So I don't know how they forgot that along the way.

We saw when Reagan came into office, he actually made those dramatic cuts as well. I remember—I am going from memory now—but the amount of money that came in from marginal rates in 1980 when President Reagan took office was \$244 billion. When he left office, it was \$488 billion. It doubled in that period of time, the largest tax reductions in history. Revenues increased when tax reductions went down. Anyway, that all ended when the Clinton administration came in. We all remember the 1993 tax increases, the

greatest tax increases in about four decades. That is when they increased them on everything.

The bottom line is, yes, he did cut taxes and that had the effect of increasing revenues. I think when we talk about the deficit, as the Senator from Illinois mentioned, that was inherited by this President, President Obama, we have to remember that the deficits during the Bush administration, if you add them all up, were a little bit more than the deficit in the first year of the Obama administration.

As far as his comments about the \$787 billion stimulus bill, that wouldn't have been that bad of an idea. I opposed it, of course, but it didn't stimulate. It had all of this social engineering in there, all of the equal distribution of wealth, yet I tried to add an amendment on there which was cosponsored by Senator BOXER to increase, quadruple the amount of money that went into roads and highways. It didn't work. They defeated it. So it could have had the opportunity to do something.

The last thing I would say about the government-run system is I thought it was interesting when the Senator from Illinois talked about the wonderful opportunities I have and he has in choosing from the private sector good coverages. I think what he is describing is what we have today. I agree with what he said in that respect. But when you talk about a system that is very similar to the Canadian system, all you have to do is go up in the northern part of the United States, go to Mayo Clinic and look at the number of people there who have come down from Canada because they can't get the health care they want in that kind of government-run system. So I would agree with my friend from Alabama when he was talking about describing what we are up against.

That is not why I came to the floor this evening. I have come to introduce a bill.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 3095 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3430, AS FURTHER MODIFIED

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding its adoption, the Isakson amendment be further modified, with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is further modified by striking the word “ending” on pages 58, 63, and 67 and inserting the word “beginning”.

Mr. DURBIN. Mr. President, I ask unanimous consent that at 2 p.m. Wednesday, March 10, the Senate resume consideration of H.R. 4213 and all postcloture time be considered expired, and upon disposition of the pending amendments, no further amendments or motions be in order; the substitute amendment, as amended, be agreed to; that the Senate then proceed to vote on the motion to invoke cloture on H.R. 4213, as amended, with the mandatory quorum waived; that if cloture is invoked, then all postcloture time be yielded back, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill.

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

Mr. GRASSLEY. Mr. President, I voted against waving a budget point of order to the Murray/Kerry amendment on the grounds that it is not paid for and contained terrible welfare and Medicare policies.

The Congress cannot keep spending money it does not have. It is unconscionable to put forth an amendment that is not being paid for at a time of exploding deficits to an underlying bill that already has another \$104 billion not paid for.

In addition to adding to the deficit during a fiscal crisis, the underlying Murray/Kerry amendment perpetuates flawed welfare policies that undermine key principles of welfare reform.

The Murray/Kerry amendment perpetuates the fund established in the stimulus bill that, for the first time since the landmark 1996 welfare reform act, rewards States for increasing their welfare caseload and does not require these additional eligible adults to participate in work, education or training activities.

This in turn adds to the current deplorable situation where, according to the latest data we have from the Department of Health and Human Services, the U.S. average for eligible adults receiving welfare doing nothing is 56 percent.

That is right—on average 56 percent of adults receiving welfare are engaged in zero hours of work, training or education activity. Some States have over 70 percent of eligible adults doing nothing.

That is zero hours of job search. Zero hours of education. Zero hours of substance abuse treatment. Zero hours of job training. Zero hours of subsidized work activities.

I bet if you asked the American people—how many adults on welfare should be doing something to qualify for their welfare check—I bet the answer would be: all of them!

I bet if the American people knew that the majority of adults on welfare were doing nothing, they would be as stunned and appalled as I am.

We need to do better by these families. Allowing them to languish in the

soul crushing, deep and persistent poverty of welfare is a travesty. The Murray/Kerry amendment does nothing to address the issue that the majority of adults on welfare are not doing anything to get themselves out of poverty.

That makes no sense, Mr. President, and I cannot support it.

Finally, in addition to the misguided welfare policies, I also had reservations about the use of “intelligent assignment” in Part D to pay for this amendment. I fully support efforts to make sure vulnerable populations are in the lowest cost plan that meets their personal health care needs and look forward to continuing to work on this issue in the future. But the Centers for Medicare and Medicaid Services, CMS, and MedPAC commissioners have raised concerns that “intelligent assignment” could lead to increased disruption, higher costs and little overall improvement for beneficiaries.

Therefore, I opposed waving the Budget Act that would have allowed the Murray/Kerry amendment to undermine welfare policy, advance misguided Medicare policy and increase the deficit.

#### MORNING BUSINESS

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

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

#### INTERNATIONAL WOMEN'S DAY

Mr. DURBIN. Mr. President, yesterday marked the 100th anniversary of International Women's Day—an occasion that celebrates the many contributions women have made to our communities, societies, and nations. Women have made great progress, but the sad reality is that women around the world are not participating equally in business or politics, are not paid the equivalent of their male counterparts, and are more likely to be denied educational opportunities, property ownership, and other basic rights.

The inequities facing women today represent some of the world's greatest global-development challenges. Investing in women is vital to the world's growth potential. I have introduced two bills this Congress that take important steps towards equity and human rights for women worldwide.

In July 2009, I introduced the Global Resources and Opportunities for Women to Thrive—GROWTH—Act of 2009. The GROWTH Act is designed to reduce these economic inequities in developing countries. By providing women with the economic resources to start and grow their own businesses, the GROWTH Act would create broad educational, legal, and community-based programs that would promote female property ownership and empower women in their communities.

Today, women account for 64 percent of adults who lack basic literacy skills, 70 percent of the hungry, and 56 percent of those subject to forced labor.

Women typically invest 90 percent of their income back into their household compared to only 30 to 40 percent by men. Developing programs that allow women to increase their education and thrive professionally is good for the family, as well as the woman.

In May 2009, I also introduced the International Protecting Girls by Preventing Child Marriage Act. This bill sets out to strategically eliminate the harmful practice of child marriage overseas. Child marriage poses a direct threat to investments in education for girls overseas, HIV/AIDS prevention, poverty reduction, maternal and child safety, and human rights.

Too often the potential of children and developing women is crushed by early marriage, sometimes occurring when girls are as young as 7 years of age. Child marriage is a direct challenge to guaranteeing equality and basic human rights to children and developing women around the globe.

International Women's Day calls on us to acknowledge the achievements of women, but it is also a reminder of the sometimes immovable barriers women in many countries still face. I commend my colleague Senator SHAHEEN for submitting S. Res. 433 recognizing International Women's Day. This resolution is a testament to the Senate's commitment to the advancement of women worldwide.

Mr. CARDIN. Mr. President, I rise today to express my support for the International Women's Day.

Rooted in the long-term struggle for equality, International Women's Day has been observed since the beginning of the last century, at a time when American women were fighting for basic rights, such as voting or fair employment. We should commemorate the determined and courageous women who have played an extraordinary role in the history of women's rights.

While women have made hard fought and important strides towards equality since then, they continue to face significant obstacles in all aspects of their lives, particularly those living in poverty. Over a billion people worldwide live on a dollar a day or less—and women are most likely to be among them. This is a problem that affects all of humanity—when women are poor, entire communities suffer because they are not free to earn an income, feed their families, or protect themselves and their children from violence. And their efforts are critical to rebuilding countries in peril like Afghanistan and Haiti. Until women around the world have improved access to economic, political and social opportunities, the great challenges we face today will go unresolved.

Indeed, investing in women and girls is one of the most efficient uses of our foreign assistance dollars and best ways to make the world more peaceful

and prosperous. Decades of research and experience prove that women are more likely to invest their income in food, clean water, education, and health care for their children, creating a positive cycle of change that lifts entire families, communities and nations out of poverty. Simply put, when women succeed, we all do.

If we ignore these realities, the results will undoubtedly be negative. The statistics are staggering. A World Bank report confirms that societies that discriminate on the basis of gender pay the cost of greater poverty, slower economic growth, weaker governance, and a lower living standard of their people.

In sub-Saharan Africa, for example, less than 2 out of 10 women have a job with a regular income and lower economic risk. GNP per capita is far lower in countries where females are significantly less well educated than men. Also in sub-Saharan Africa, inequality between men and women in education and employment suppressed annual per capita growth between 1960 and 1992 by 0.8 percentage points per year. This is significant, as a boost of 0.8 percentage points per year would have doubled economic growth over that time period.

But when women's voices are fully included in societies and economies, the reverse is true. According to UNICEF, when women hold decision-making power, "they see to it that their children eat well, receive adequate medical care and finish school. Women who have access to meaningful, income-producing work are more likely to increase their families' standards of living, leading children out of poverty."

The World Bank states that, at the macroeconomic level, there is evidence that removing gender disparities spurs growth. According to one estimate, growth rates in sub-Saharan Africa, South Asia, and the Middle East and North Africa would have been 30–45 percent higher had these regions closed the gender gaps during the school years as fast as East Asia did between 1960 and 1992.

The economic growth that can result from gender equality is exemplified by Eugenia Akuete. Eugenia grew up in Ghana surrounded by poverty and started making products from shea butter because she was looking for a way to earn money to help supplement her family's income. At first the market was difficult—she was only producing a small amount, she lacked necessary business and technical training and it was hard to get the shea butter soaps and lotions to U.S. customers. She eventually received training that focused on women's entrepreneurship.

Now she is earning a steady income and teaching other women to do the same by producing and selling shea butter. She has 10 employees, most of whom are women, who she pays above the government minimum and going market rate. She also now employs 300 women in northern Ghana

who gather nuts for the factory to convert into shea butter. Stressing that they are all connected to each other, she explained that it is in her best interest that everyone produce the best quality possible—so that all communities benefit.

When asked what she would like to tell Americans, Eugenia said that what women like her need most are tools so that they can help each other and themselves. "Yes, we need help," she said, "[but] we are also responsible to other people so that we'll have a multiplying effect. I don't believe in freebies: part of the package of responsibility is that if you are helped you in turn have the responsibility to help someone else."

As we in Congress and in the administration are moving forward with the vital process to revamp our foreign assistance, we have an opportunity to make women's empowerment a central focus of U.S. foreign policy. With these unprecedented plans as a backdrop, we should remember Eugenia when we are thinking of ways to maximize our foreign aid dollars. Because of the obvious multiplier effect, one of the best ways to do that is to ensure that women are empowered. Women's success always benefits more than one person.

While we should reflect on progress that women have made in pushing for greater rights and equal opportunities, we must be conscious we still have much to do in working towards greater global gender equality. As a member of the Senate Foreign Relations Committee, I am committed to continuing to work with my colleagues to put women at the center of U.S. foreign assistance and to marshal all the resources necessary to achieve this goal.

#### ALASKAN OLYMPIANS

Ms. MURKOWSKI. Mr. President, from February 12 to February 28, Americans were united in cheering on some of our Nation's most elite athletes as they competed at the 22nd Winter Olympics in Vancouver. I commend all of our athletes for their exemplary performance and thank the coaches, the team leaders and the U.S. Olympic staff. With such a talented group of people working together, it is no surprise that the United States won a record breaking 37 medals. Americans watched with an extraordinary sense of pride as our flag was raised and our anthem played, and our fellow countrymen and women competed and won on an international stage. I am especially proud of the seven Alaskans that contributed their talent to their country and competed at these Winter Olympics.

Holly Brooks, the coach turned athlete, participated in her first ever Winter Olympics this year. Holly quickly became a beloved member of the Alaskan community after moving there from Seattle. Her work as a coach at Alaska Pacific University and subsequent Olympic success has been an in-

spiration to many of Alaska's young skiers. I know that Holly received an outpouring of support during her run up to qualifying for the Olympics from many of her fellow athletes and Alaskans led by her husband who made hundreds of "Go Holly" stickers for her supporters to wear. I wish Holly luck in her further competitions and hope that she will continue to be a great role model for the young people of Alaska.

Callan Chythlook-Sifsof is the first Alaska Native to be selected to the U.S. National Ski and Snowboard Team and the first to make an Olympic Team. Growing up in a small rural village on the coast of the Bering Sea, Callan learned to board on the mountains surrounding her home. In 2006, at age 17, she earned a position on the U.S. snowboard team and a bronze medal in her first World Cup Boardercross in Japan. She also received a bronze medal at the start of the 2009 season in the South America Continental Cup. Callan continues to quickly excel and is currently ranked No. 2 in the U.S. and No. 14 in the world in Ladies' Boardercross. I hope she continues to compete for many years to come and hopefully we will see her in 2014 in Sochi.

Jay Hakkinen is a familiar name in Alaska where he has been a professional biathlete for over 13 years and just finished his fourth Winter Olympics. Jay is one of the most accomplished U.S. biathletes in Olympic history and his 10th-place finish in the 20 Kilometer Individual at the 2006 Torino Games previously served as the benchmark for the U.S. in an individual event. Jay has shown his perseverance and persistence throughout his illustrious career as a biathlete. I know this is not the last we have heard of Jay and wish him luck as he finishes out the World Cup season.

Jeremy Teela surpassed Jay's benchmark this Olympic Games with his 9th place finish in the Men's 10 Kilometer Sprint. The 34-year-old biathlete from Anchorage is a three-time consecutive Olympian. However, his service to his country goes beyond his athletic talent as Jeremy is a sergeant in the U.S. Army National Guard. As one of five soldier athletes competing in the Olympics, Jeremy and his other servicemembers remind us of the sacrifices that many young Americans have made in service to their country. Jeremy previously earned the bronze medal in the Men's 20 Kilometer in last year's World Cup and I hope he has similar success this year.

Kikkan Randal, the 27-year-old cross country skier from Anchorage, competed in her third consecutive Winter Olympic Games where she had her best-ever finish in the Women's 30 Kilometer Classic—finishing 24th. A former resident of Salt Lake City, UT, she moved at an early age to Anchorage with her family. She is also the niece of former Olympic cross country-skiers, Betsy Haines and Chris Haines, and



in 2007 she became the first American woman to ever win a cross-country World Cup Title.

During his second consecutive Winter Olympic Games, James Southam competed in three events, including the 50 Kilometer Classic where he achieved a personal best finishing in 28th place. James was born and raised in Anchorage and participates in training along with Holly Brooks and Kikkan Randall at the Alaska Pacific University Ski Center. The APU Ski Center was a vital source of support for these Olympic athletes and kept many Alaskans informed of their progress through their facebook page. James, Holly, and Kikkan are a tremendous inspiration for the other skiers at APU and I look forward to hearing of more of their successes over the years.

Our Olympic Silver medalist Kerry Weiland, from Palmer, is a fierce defender on the ice. Her intensity has earned her the nickname Kamikaze Kerry, because she has the ability to take out two players with one hit. Not only did Kerry's defense help lead the U.S. to a Silver medal, but the U.S. Women's Hockey team outscored their opponents 40-2 leading up to the gold-medal game. Kerry is also a dominant force on the U.S. National Team where she was a member of the 2008 Gold Medal World Championship team. She is also the founder and instructor of the Weiland Hockey Development in Ontario where she teaches young women the fundamentals of hockey, inspiring a new generation of female athletes.

I want to thank again all the U.S. Olympic athletes for all of their hard work and dedication. It is difficult to comprehend the high degree of training and commitment required to compete in the Olympic Games and we have watched in awe as they have inspired us with their achievements. As Alaskans, we are exceptionally proud of these individuals. We regard our athletes as role models in many ways, and the sportsmanship that all our American Olympians displayed during these games exemplified some of our Nation's most important values. Our athletes were humble in victory and gracious in defeat, and made all Americans proud. I thank these individuals for being such great ambassadors for Alaska and for America.

#### STRATEGIC ARMS REDUCTION TREATY

Mr. FEINGOLD. Mr. President, I thank you for the opportunity to speak today in support of our administration's efforts to negotiate a follow-on agreement to the Strategic Arms Reduction Treaty, START. Our negotiating team in Vienna is currently working with the Russian delegation to finalize this agreement, and I look forward to reviewing the treaty when it is submitted to the Senate.

The United States and Russia maintain over 90 percent of the world's ap-

proximately 23,000 nuclear weapons. Each of these weapons has the capacity to destroy an entire city; collectively, they can destroy the world. The mere existence of these weapons creates the risk of a nuclear accident, unauthorized use, and theft by a terrorist group. The size and structure of the American and Russian nuclear arsenals reflect an antiquated Cold War mindset that we must move beyond.

It is in the national security interest of the United States to reach an agreement with Russia to reduce the number of nuclear weapons and ensure that strong verification and transparency measures remain in effect. This is the core purpose and focus of the START follow-on agreement.

The START follow-on agreement is an important component of our efforts to work with Russia and other international partners to collectively address the dangers posed by nuclear weapons. These dangers include the vulnerability of nuclear material to theft by terrorists, as well as the risk of nuclear proliferation by other countries.

Ratification of a START follow-on agreement would also be a clear signal that the United States is upholding our obligations under the nonproliferation treaty. It would reaffirm our leadership on nonproliferation issues and demonstrate, as the President has advocated, that we are serious about moving towards a world without nuclear weapons while maintaining a reliable deterrent for so long as it is needed. We cannot afford to miss this opportunity; without a demonstrated effort to fulfilling our nonproliferation responsibilities through a new START agreement, it will be increasingly difficult for the U.S. to secure the international support needed to address the urgent security threats posed by the spread of nuclear weapons.

The Congressional Commission on the Strategic Posture of the United States concluded that "terrorist use of a nuclear weapon against the United States or its friends and allies is more likely than deliberate use by a state." Our priority, therefore, should be to work together with Russia to reduce the size and vulnerability of our nuclear arsenals, and ensure that proper security and surveillance safeguards are in place.

Unfortunately, today Russia continues to possess huge stores of nuclear materials that are inadequately secured and which, if stolen by terrorists, could be used to destroy an American city. The size of our own nuclear arsenal is also unsustainable, both from a security and cost perspective, and should be tailored to the new 21st century threats we face.

The reductions required by the START follow-on agreement will not adversely affect our national security. The United States could pursue much deeper reductions in the size of our arsenal and still have more weapons than we would ever need. In fact, it is pre-

cisely the size of our nuclear arsenal and complex that makes them vulnerable to exploitation by terrorists. There is no longer any compelling national security reason to maintain or expand the size of our nuclear stockpile.

Nor is there any reason to continue to develop new nuclear weapon technologies or warheads. Our brightest experts have concluded that we no longer need new nuclear weapons in order to maintain a credible deterrent. A recent report from the independent JASON Defense Advisory Group concluded that, as a result of our nuclear laboratories' successful life-extension programs, the lifetimes of our nuclear warheads can be extended for decades.

I am encouraged that efforts to negotiate a START follow-on agreement have bipartisan support among national security experts. Notably, the bipartisan Congressional Commission on the Strategic Posture of the United States, headed by former Defense Secretaries William Perry and James Schlesinger, endorsed a follow-on agreement to START. Similarly, Secretary Perry joined with former Senate Armed Services Committee Chairman Sam Nunn and former Secretaries of State Henry Kissinger and George Shultz to pen an op-ed in the Wall Street Journal calling for the extension of the key provisions of START and further reductions in our nuclear stockpile.

In conclusion, I commend the administration for its efforts to reinvigorate the nonproliferation regime by negotiating a follow-on to the START treaty. We must act now to address the spread of nuclear weapons and materials, which is one of the gravest dangers facing the United States. In a time of terrorism and of rising international concern about Iran's nuclear program, international cooperation remains key to preventing the spread of weapons of mass destruction. The START follow-on agreement is an essential step towards that goal, and towards a world without nuclear weapons.

#### HAWAII'S TSUNAMI RESPONSE

Mr. AKAKA. Mr. President, today I would like to commend the people of Hawaii for their quick response to the tsunami caused by the earthquake in Chile.

On Saturday, February 27, 2010, an 8.8 magnitude earthquake off the coast of Chile generated a tsunami throughout the Pacific. A tsunami warning was issued for Hawaii, the Northern Mariana Islands, American Samoa, and the Marshall and Solomon Islands. Additionally, a tsunami advisory was issued for the west coast of the United States and Alaska.

My staff and I monitored the situation closely, and were in contact with the Federal Emergency Management Agency, FEMA, and the Hawaii State Civil Defense. FEMA was monitoring the situation in Hawaii and the other

territories from the FEMA Region IX office in California and Region X office in Washington State. Supplies for any recovery effort in the Pacific are prepositioned in Hawaii at FEMA's Pacific Area Office warehouse, as well as in Guam and American Samoa. I worked to establish and maintain the FEMA Pacific Area Office headquartered in Honolulu in order to protect our isolated island communities. The office has been essential for preparedness efforts in Hawaii and critical for disaster response throughout the Pacific region.

Equally important, the actions of State and local officials and the people of Hawaii have demonstrated the value of citizen and community preparedness. Thanks to the efforts of the people of Hawaii, we were prepared to save lives and avert considerable damage had a large tsunami come ashore. Around 6:00 a.m. on Saturday, tsunami warning sirens sounded in Hawaii, which notified people to evacuate the low-lying areas. The people of Hawaii followed the directions of our local authorities, stayed calm, and evacuated all shorelines.

Hawaii is familiar with the destructive power of tsunamis. In 1960, a 9.5 magnitude earthquake off the coast of Chile generated a tsunami that killed over 60 people in Hawaii. More recently, Hawaii faced a disaster of a different kind, in 1992, when Hurricane Iniki caused billions of dollars in damage.

The Chilean earthquake reminded us that when a disaster occurs, we need to be prepared. Because Hawaii is isolated from the rest of the United States, it is even more critical that we are prepared to take care of ourselves. I want to congratulate the people of Hawaii, as well as Federal, State, and local authorities who successfully prepared for and responded to the tsunami.

While I am thankful for the tsunami's minimal impact on my home State, we cannot forget the tragedy in Chile. My thoughts and prayers are with everyone affected by the earthquake.

#### SATELLITE TELEVISION EXTENSION AND LOCALISM ACT OF 2010

Mr. ROCKEFELLER. Mr. President, I rise today to urge passage of the Satellite Television Extension and Localism Act of 2010, or STELA, as part of the American Workers, State, and Business Relief Act of 2010.

Over the past 15 years, satellite television has grown into a strong competitor to cable by offering consumers in rural as well as urban markets a choice in pay television providers. Where residents once were limited to a single cable operator, satellite providers now offer most consumers an alternative. This has led to price and service competition, which is good for consumers. Congress supported such competition through the passage of the Satellite Home Viewer Act and its progeny, in-

cluding the Satellite Home Viewer Extension and Reauthorization Act, or SHVERA. And now Congress has the same opportunity with passage of STELA, which reauthorizes and extends certain communications and copyright provisions.

A decade ago, Congress, recognizing that consumers want access to local news, weather, and community-oriented programming, established a mechanism by which satellite providers could offer local broadcast stations to residents in the local market. This means that when a satellite subscriber in Huntington, West Virginia tunes-in to CBS, PBS, ABC, FOX or NBC, they hear about events in the state capital and see the successes and trials of their neighbors—not the weather in Manhattan.

Recognizing the limits of satellite providers at the time, Congress did not require the companies to offer local channels to every market in the country. Over time, this has created a division between haves and have-nots in which satellite companies are not providing local channels to residents in the smallest markets.

In West Virginia, satellite subscribers in the Parkersburg and Wheeling markets cannot receive local channels from either satellite provider. In certain other markets in the State, only one provider offers local channels. Rural consumers deserve better.

That is why I am particularly pleased that STELA provides incentives to provide local service into all 210 markets across the county, which sets the stage for consumers in even the most rural regions to gain access to local news, sports, and community programming.

Another important provision of STELA changes existing law to promote the carriage of high-definition local public broadcasting stations and to make it easier for statewide public television networks, like that in West Virginia and 14 other States, to reach every resident of the States they serve.

As some broadcast television has become coarser and less informative, the importance of the mission and programming provided by public television has grown. STELA makes sure that more satellite subscribers will have access to the compelling programming available on public television.

Passage of STELA provides us with the opportunity to encourage greater competition and access to quality programming to consumers throughout the nation. For this reason, I urge my colleagues to support passage of this important legislation.

#### HEALTH CARE

Mr. ROCKEFELLER. Mr. President, as we move closer than ever to enacting legislation that delivers on the promise of secure and affordable health care across America, it is important to remember what is at stake and whom we are fighting for.

Over the last year, I have told many of my colleagues about the Bord family

of West Virginia and their son Samuel who suffered from leukemia.

Stories like the Bords' are a reminder that our work in Congress has a profound and personal impact on millions of lives every day. Each of us brings to this critical work the shared tragic and trying personal experiences of our friends and neighbors back home. They are real: These stories are a picture of people's lives and their pain. And we have an obligation to honor those struggles and sacrifices by working to make things better for everyone. Yet recently, radio host Rush Limbaugh sneered at the Bords' experience, describing it and other stories highlighted during last week's bipartisan health care summit as "sob stories." Always the cynic, he dismissed them entirely, "Can you believe these stories happen in America?" These stories do happen in America—every day. And it is a shame that anyone could hear of this heartbreak and fail to recognize what it says so clearly about the terrible burden our failed health care policies have placed on countless families across this country.

Rich and Amy Bord of Fairmont, WV, are two dedicated schoolteachers with health insurance through their employer. Let me repeat that: They have health insurance. Their 9-year-old son, Samuel, suffered from leukemia, and he needed significant invasive medical therapy. They thought they were covered, only to learn that their policy had a million-dollar lifetime cap. A million dollars sounds like a lot of money—and it is—they surely never would have expected to exceed it. But health care costs are spiraling out of control and the reality is, health insurance companies don't want to cover sick people.

In addition to Samuel, the Bords have two young twin sons at home, and the entire family's health care decisions were impacted by Samuel's bills.

After multiple rounds of chemotherapy and a relapse that required additional treatment for Samuel, the Bords reached their insurance fund's cap. Even with the help of my office and from the Public Employees Insurance Agency to get supplemental coverage for the Bords, Samuel still needed surgery and lots of additional care. Soon they would be approaching the next cap on their supplemental coverage. So the Bords were left with only heart-wrenching suggestions—consider getting a divorce so that Samuel would qualify for Medicaid or stop taking their other children to the doctor altogether, even if they get sick, in order to save every penny for Samuel. That is right. Get a divorce or choose one child's health care needs over another's. Those are the suggestions our Nation offered to these caring, hard-working parents with a sick child?

They did everything in their power to save Samuel, but this fall, he passed away—and there are simply no words to ease his family's loss and pain.

I understand that, to many, circumstances like these may seem rare.

But I cannot tell you how many times, over the many years I have served as U.S. Senator and before that, Governor, that I heard families' desperate pleas for help because their medical needs could not be met.

It breaks my heart to think of what the Bords went through: not only the pain of watching their son fight a terrible disease but also the uncertainty of paying for his treatment when the coverage they counted on—and paid for—would run out. For anyone, especially a public figure, to aggressively question and attack a family's extraordinary personal anguish is deeply offensive and morally reprehensible.

No parents should have to spend the precious, fleeting time they have with their child, struggling to navigate a broken system, worrying how they are going to provide care. And no one, especially a child like Samuel, should be forced to walk such a dangerous tight-rope between life and death because he or she lacks meaningful health insurance coverage, because of runaway costs, and caps, and exclusions. Yet that growing and deeply felt insecurity runs like a common thread through our entire health care system.

It is these stories—real stories of real people—and the unbelievable pain behind them and the battle of so many West Virginians that drive me to fight for comprehensive health reform every single day. We must listen to these stories, take them in, and never ever forget them.

#### DIFFICULT ECONOMIC TIMES

Mr. WHITEHOUSE. Mr. President, as I have traveled throughout Rhode Island, I have heard from countless constituents about the sacrifices they have made during these difficult economic times. Many of my constituents have adjusted to the economic climate by cutting back on extras and finding savings where they can.

For seniors living on a limited budget, however, simply cutting back is not an option. I have heard from seniors who have turned off the heat in their homes because oil prices are so high. I have heard from others who are splitting pills and skipping doses because they cannot afford to refill a prescription. These are seniors who have worked hard their whole lives, paid into the system, and believed that they would be able to grow old comfortably. Instead, many are barely scraping by on Social Security benefits that no longer cover their daily living expenses.

Last Wednesday, the Senate had the opportunity to provide some extra help for seniors, veterans, and individuals with disabilities who rely on Social Security. We voted on an amendment offered by Senator SANDERS, which I cosponsored, that would have provided an extra \$250 payment to Social Security beneficiaries. The payment would have been an extension of the financial assistance I successfully fought for as

part of the economic recovery package last year, and these funds would plow right through into our economy to help further stimulate demand and economic recovery. Unfortunately, this year, the amendment failed to receive enough votes for passage.

Although a \$250 payment may not sound like much to some, for those on a limited budget the extra financial assistance provides peace of mind amid skyrocketing health care and prescription drug costs. The payment would provide added relief for the millions of older Americans who, for the first time since 1975, did not receive a cost-of-living adjustment in their Social Security benefits. Without some extra help, these beneficiaries are hard-pressed to make ends meet.

Just ask Jackie, a North Smithfield resident, who has seen her health insurance premiums increase by double digits this past year and the cost of her prescription drugs continue to rise. At a time when every penny counts, Jackie says the winter months are particularly hard for her. When Jackie hears the oil truck drive by, she cringes knowing that the cost of heating her home is another bill she simply cannot afford.

I also heard from Edward, a senior living in Warren, who is worried how he will make ends meet without the increase in his Social Security benefit. In recent months, he is seen his car and home insurance increase by \$200, and other daily living costs, such as heating oil, gas, and groceries, rise significantly. In these tough times, Edward could just use a little help. He writes, "I just don't understand why Congress cannot do something to help seniors at least maintain a status quo."

Linda, a Rhode Islander from Providence, survives on only \$500 a month. Like so many older Americans, Linda takes multiple prescriptions every day. The out-of-pocket costs for her prescriptions add up, even on Medicare. Between her medical costs, food, heating, and other daily expenses, she can barely make ends meet. Linda would welcome any financial assistance she can get, so that she can save for copayments for visits to the doctor which she knows she will soon need. Linda says she is disappointed that the Senate does not realize how desperately seniors need added financial help.

Like Linda, I am disappointed by the vote this past Wednesday. My colleagues failed to act on an opportunity to help our seniors when they need it the most; at a time when just a little help would go a long way.

For Jackie, Edward, Linda, and seniors across our country facing similar challenges, I will continue fighting to assist older Americans during these difficult economic times. I urge my colleagues join me in standing by our Nation's seniors.

#### NEW HAMPSHIRE OLYMPIANS

Mrs. SHAHEEN. Mr. President, I wish to congratulate the athletes from

New Hampshire who represented our country at the Olympic games in Vancouver.

As I watched the games over those 2 exciting weeks in February, I know I joined all Granite Staters in celebrating New Hampshire's enduring tradition of excellence in winter sports.

More than 125 years ago, in 1882, residents of Berlin, NH, formed the first modern ski club in America.

In 1927, the Dartmouth Outing Club organized the first downhill race in the United States at Mount Moosilauke in New Hampshire's White Mountains, where the Outing Club still hikes to this day. The next year, a Dartmouth professor organized the country's first slalom race.

In the 1930s and 1940s, as skiing grew in popularity, J-bars and chairlifts were added at mountains in Europe, in the West and across New England, but none could rival Cannon Mountain's Aerial Tramway in Franconia, which was built by the New Hampshire State Legislature and continues to be the platform from which millions of visitors first see our White Mountain range.

At the 1960 winter games in Squaw Valley, CA, 37 years after that first race in the White Mountains, a 22-year-old from Center Harbor named Penny Pitou became the first American to win an Olympic medal in downhill. The great "Skiing Cochran's" have roots on both sides of the Connecticut River, including Barbara Ann, who won a gold medal in 1972, her brother Bob, and Bob's son Jimmy, who competed in the slalom in Vancouver and grew up in Keene.

There were 12 athletes on the U.S. team in Vancouver who have strong New Hampshire ties. On the Alpine team, Jimmy Cochran was joined by Leanne Smith from Conway and Bode Miller from Franconia, along with Andrew Weibrecht, an environmental studies major at Dartmouth.

Hillary Knight from Hanover competed in her first Olympics as the youngest member of the U.S. Women's ice hockey team. And from just down the road in Lebanon, Nick Alexander competed in three ski jumping events including the normal hill event, known in the sport as the "NH Individual."

Kris Freeman from Andover competed in his third Olympic games in Nordic skiing. Kris trains at Waterville Valley, alongside Michelle Gorgone and Hannah Kearney, members of the famous Waterville Valley Black & Blue Trail Smashers Club. Snowboarder Scotty Lago from Seabrook went to his first Olympics in Vancouver after years of practice at Waterville and Loon. My husband Billy would want me to mention that he went to Dover High School with Jim Westcott, father of snowboarder Seth Westcott, who won back-to-back golds in snowboard cross.

The New Hampshire medalists at these Vancouver Games were really spectacular. Scotty Lago spoke with such pride about representing

Seabrook and all of New Hampshire when he won a bronze medal in the men's halfpipe competition. We are all very proud of Andrew Weibrecht, who won bronze in the Super-G, and Hillary Knight, who took silver with her team.

Of course, the State is still celebrating Bode Miller, who, by winning a gold, silver, and bronze medal on the Whistler slopes, became the most decorated American alpine skier in history.

But I am proud of every Granite Stater who represented our country in these Games. As someone in elected office, I can tell you that not every race goes exactly how you would like. What is important is that each of you has achieved so much through focus and hard work, far away from the spotlight. You represent the best of our State.

Finally, I want to take a moment to recognize Tyler Walker of Franconia and Chris Devlin-Young of Campton, who will be skiing for Team USA later this week at the Vancouver Paralympic games. The Paralympic games continue to shine as an example to the world of what each of us can achieve. Thank you for representing our State and our country. Good luck.

#### ADDITIONAL STATEMENTS

##### MOUNTAIN WEST CONFERENCE CHAMPIONS

• Mr. BINGAMAN. Mr. President, it is with great pleasure that I congratulate the University of New Mexico men's basketball team for achieving a second straight Mountain West Conference title.

The team's accomplishments include a school record 28 wins, including 10 road wins this season. In addition, their remarkable achievements include 14 consecutive victories and top 10 rankings in both the AP and ESPN/USA Today polls.

Renowned for passionate fans, the University of New Mexico men's basketball team dedication to character and teamwork has brought tremendous pride to the people of New Mexico and offers our country a reflection of this spirit.

I also wish to commend the leadership of senior cocaptain Roman Martinez for his excellence in the classroom and his contributions to the community. As an Academic All-American, Roman exemplifies the true character of a student-athlete. Knowing Roman's dedication to service in the community, it is clear that his role in this most worthy pursuit will be even greater in the years to come.

Along with my fellow New Mexicans, I wish these students much success as they prepare to compete in the Mountain West Conference and NCAA tournaments, and I applaud their achievements.●

##### DR. MIKE LOOPER

• Mrs. LINCOLN. Mr. President, today I congratulate Dr. Mike Looper of

Greenwood for being named the Agriculture Research Service National Scientist of the Year for 2009. Dr. Looper, an animal scientist at the Dale Bumpers Small Farm Research Center, is the first Arkansan to receive the Herbert L. Rothbart Outstanding Early Career Research Scientist Award, which goes to the top scientist who has worked for less than 7 years.

I commend Dr. Looper for his research on how improved livestock management can have a positive economic impact on our rural farmers. Through his research efforts, Dr. Looper represents the best of our Arkansas values: hard work, dedication, and perseverance. He also inspires the next generation of Arkansas leaders as an adjunct instructor of biology and physiology at the University of Arkansas.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our Arkansas agriculture community. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

I salute Dr. Looper and the entire Arkansans agriculture community for their hard work and dedication.●

##### RECOGNIZING THE ARKANSAS RED CROSS

• Mrs. LINCOLN. Mr. President, today, during Red Cross Month, I salute the efforts of the Arkansas Red Cross. The men and women who work in support of our local Red Cross chapters are part of a global network that mobilizes during the most devastating of times. They provide comfort and care for those who need it most, whether that need is clothing, shelter, or blood.

The Arkansas Red Cross exemplifies our Arkansas values of humanity, compassion, and a spirit of giving. Many times throughout the years, I have seen the good work of our Arkansas Red Cross first hand. The sacrifice and commitment they make is to be acknowledged and celebrated. On behalf of the people of our State, I thank everyone in the Arkansas Red Cross family, from volunteers to staff members to donors of blood or financial resources.

Since 1943, the President of the United States has proclaimed March as "Red Cross Month." President Franklin D. Roosevelt issued the first Red Cross Month proclamation, recognizing the American Red Cross as a true reflection of the humanitarian and volunteer spirit and calling on Americans to "rededicate themselves to the splendid aims and activities of the Red Cross."

Mr. President, communities depend on the Red Cross in times of need, and the Red Cross depends on the support of the public to achieve its mission.●

##### TRIBUTE TO KEVIN WATTS

• Mrs. LINCOLN. Mr. President, today I congratulate Kevin Watts of McGehee, AR, for being named Ginner of the Year by the Southern Cotton Ginners Association. Kevin is an excellent example of Arkansas's agriculture tradition. After working with his father in a cotton gin, Kevin knew by the time he graduated from high school what he wanted to do with the rest of his life.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

Our farm families are critical to our Nation's economic stability. Agriculture is one of the leading U.S. industries in exports, with a trade surplus of \$23 billion in fiscal year 2009. We must work to continue the farm family tradition, so families are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute Kevin and all Arkansas farm families for their hard work and dedication.●

##### REMEMBERING DIANA TILLION

• Ms. MURKOWSKI. Mr. President, today I wish to honor Diana Tillion, of Halibut Cove, AK. I am saddened to report that Diana, a true Alaskan spirit and invaluable public servant, passed away at home, with her family surrounding her, on February 3, 2010, at the age of 81. Diana is remembered by those who knew her as a beloved wife and mother, public servant, teacher, writer, poet, and friend. She is treasured by the people back home as an incredible artist who depicted Alaska's beauty in a unique way. Diana had the ability to create a window through her art—a window into the impressive and untamed landscape of our great State. Any one of her pieces could draw you into that scene and that moment in a meaningful and memorable way.

Alaska is a vast open land full of breathtaking scenery, wild animals, and diverse terrain. It is also a place that is rich in culture. From Alaska's native peoples and the traditions passed down by their ancestors, to the pioneers of the gold rush, to Alaskans who are breaking new ground today—it is not a place for the faint of heart. Alaskans take pride in this, and Diana Tillion undoubtedly understood this sense of pride and shared in it with us.

Diana was born in Paradise, CA on June 1, 1928. She migrated north to the

territory of Alaska at the age of 11 in 1939, when her stepfather and mother found work at the Independence Gold Mine outside of Palmer, AK. In 1942 her family moved to Homer, AK. Before graduating from high school in 1948, Diana had already gained attention and praise for her art. In her teens Diana won a juror's choice award for a painting and was paid \$100 a great amount at that time—to paint a mural of Homer in the old Yah Sure Club saloon. She was recognized as a promising artist and began studying art by correspondence, since, at that time, there was no road access to Homer and the lower Kenai Peninsula. As a young woman, Diana left Alaska to study under the prominent artists of the time in New York, London, and Paris.

In 1952, Diana married an Alaskan commercial fisherman and the love of her life, Clem Tillion. Clem proposed to Diana on their first date, and they spent 59 wonderful years together. Clem and Diana built their life together in Halibut Cove, a small scenic community located on the south shore of Kachemak Bay in Prince William Sound—a 6-mile trip by boat from Homer. The Tillions had four children: William, Marian, Martha, and Vincent. When Alaska celebrated statehood in 1958, Clem became active in the State legislature and served in both the House and Senate. Diana was a key supporter in Clem's political career and successfully moved four children back and forth between Halibut Cove and Juneau when the State legislature was in session. She maintained their education as well as her career in the arts throughout this time. Her son Vincent has said that she “supported [Clem] wholeheartedly in a way many wouldn't be able to do”. The special friendship between Clem and Diana Tillion was well recognized among political colleagues and friends in Juneau.

In 1958 Diana discovered a new medium, distinguishing herself as the first and only known artist to paint with octopus ink. A biologist friend helped her perfect the extraction process so that removing the ink caused no harm to the creatures found in the lagoon near her home. Once removed, the ink naturally regenerates. Diana was fascinated by how the color of the ink shifted from animal to animal—from purple to gold to green. She built an art gallery in Halibut Cove that drew many visitors and renowned artists to the small community over several decades. It was said that Diana turned Halibut Cove into an “isolated haven” for Alaska's artists. Diana's work was featured in a solo exhibit at the Anchorage Museum in 1971 and her work was shown across the country. She published six books, served as the vice president of the Alaska Council on the Arts and taught art at Homer Community College for 10 years. Diana influenced many Alaskans through her compassion for art and public service. Her living legacy is apparent today through

her work, family, and those who were fortunate enough to have known her.

You can go through life and meet thousands of people, but it is rare to meet someone as exceptional as Diana. She was a pioneer, in the truest sense of the word. A lover of Alaska and the people. Diana painted her last picture just 8 days before she passed away. She is survived by her husband Clem, their four children, grandchildren, and friends. Alaskans back home, myself included, are proud of the legacy that is Diana's life and work. The person she was and the beautiful art she left with us will forever be cherished.

On behalf of the U.S. Senate, I am proud to recognize and thank Diana Rutzebeck Tillion for her passion for life and her family, her originality, and years of giving to her community. I extend my condolences and sincere sympathy on her passing to her family, friends, and students.●

#### TRIBUTE TO CARL TUBBESING

● Mr. VOINOVICH. Mr. President, today I honor Carl Tubbesing, executive director of the National Conference of State Legislatures, NCSL, on the occasion of his retirement after 35 years of service. Carl's dedication to the ideals of federalism has been steadfast and unwavering during the course of his time at NCSL, and his accomplishments have been many. His tireless commitment to maintaining the balance among Federal, State and local governments undoubtedly has made a positive impact in the lives of many.

I am fortunate to have worked with Carl during my days as chairman of the National Governors Association. Together, we fought to maintain a healthy relationship between Federal and State governments, and to ensure that the folks in Washington adhered to the same ideals of federalism in which we believed.

In 1986, I made a speech as mayor of Cleveland lamenting the fact that while Constitutional federalism was alive in theory, it had died in practice. We have made great progress since I gave that speech more than 20 years ago. The comeback story of federalism and our success in the proper delineation of responsibility from Federal centralization to local control is due, in no small part, to Carl's perseverance and hard work.

Carl's efforts to devolve authority for domestic policy from the Federal to State level paid off, most notably, with the passage of several major pieces of legislation. These include the Unfunded Mandates Reform Act, amendments to the Safe Drinking Water Reform Act, welfare reform, and Medicaid reforms.

It is my privilege to recognize Carl Tubbesing for his diligent commitment to federalism and dedicated service to the National Conference of State Legislatures, and to congratulate him on his well-deserved retirement.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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.)

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3092. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the “Joseph A. Ryan Post Office Building”.

#### 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-4984. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Tomatoes Grown in Florida; Decreased Assessment Rate” (Docket Nos. AMS-FV-09-0063; FV09-956-2 FIR) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4985. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Defense (Personnel and Readiness), received in the Office of the President of the Senate on March 4, 2010; to the Committee on Armed Services.

EC-4986. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Public Affairs), received in the Office of the President of the Senate on March 4, 2010; to the Committee on Armed Services.

EC-4987. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Family Subsistence Supplemental Allowance program; to the Committee on Armed Services.

EC-4988. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations (75 FR 7956)” ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4989. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations (75 FR 7955)” ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4990. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material From the Pre-Hispanic Cultures of the Republic of El Salvador” (RIN1505-AC23) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Finance.

EC-4991. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Oregon Chub (*Oregonichthys crameri*)” (RIN1018-AV87) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4992. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Rule to List the Galapagos Petrel and Heinroth’s Shearwater as Threatened Throughout Their Ranges” (RIN1018-AW70) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4993. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for 48 Species on Kauai and Designation of Critical Habitat” (RIN1018-AV48) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4994. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the California Red-Legged Frog” (RIN1018-AV90) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4995. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Permit Renewal Applications and Permit Renewal Submittal” (FRL No. 9125-9) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4996. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Application Review Schedule” (FRL No. 9123-7)

received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4997. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Minnesota” (FRL No. 9125-3) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4998. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Clean Air Interstate Rule Sulfur Dioxide Trading Program” (FRL No. 9125-2) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4999. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Determination of Attainment, Approval and Promulgation of Air Quality Implementation Plans; Indiana” (FRL No. 9125-6) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-5000. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan; San Joaquin Valley Air Pollution Control District” (FRL No. 9123-3) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-5001. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; Correction” (FRL No. 9118-7) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-5002. A communication from the Chief Counsel, Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revisions to the EDA Regulations” (RIN0610-AA64) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Environment and Public Works.

EC-5003. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, (5) five reports relative to vacancies in the Department of State, received in the Office of the President of the Senate on March 4, 2010; to the Committee on Foreign Relations.

EC-5004. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Investing in Innovation Fund” (RIN1855-AA06) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5005. A communication from the Assistant General Counsel of the Division of Regu-

latory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Magnet Schools Assistance Program” (RIN1855-AA07) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5006. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Listing of Color Additives Exempt From Certification; Paracoccus Pigment; Confirmation of Effective Date” (Docket No. FDA-2007-C-00456) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5007. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Corporation for National and Community Service, received in the Office of the President of the Senate on March 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5008. A communication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

EC-5009. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Intelligence and Analysis, Department of Homeland Security, received in the Office of the President of the Senate on March 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5010. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-319, “Clean and Affordable Energy Fiscal Year 2010 Fund Balance Temporary Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-5011. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-320, “Health Care Facilities Improvement Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-5012. A communication from the General Counsel of the Department of Commerce, transmitting the report of proposed legislation containing a series of legislative changes that make certain technical and conforming amendments to trademark and patent law as well as other needed changes; to the Committee on the Judiciary.

EC-5013. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Data Mining Activity in the Department of State; to the Committee on the Judiciary.

EC-5014. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (24); Amdt. No. 3358” (RIN2120-AA65) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5015. A communication from the Senior Regulations Analyst, Office of the Secretary



of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information" (RIN2105-AD67) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5016. A communication from the Deputy Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Commerce Acquisition Regulation" (RIN0605-AA26) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5017. A communication from the Deputy Chief Financial Officer and Director for Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties; Adjustments" (RIN0690-AA35) received in the Office of the President of the Senate on March 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5018. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (French Lick, Indiana, and Irvington, Kentucky)" (MB Docket No. 07-296) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5019. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Markham, Ganado, and Victoria, Texas)" (MB Docket No. 07-163) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5020. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, a report relative to Amtrak's Executive Level 1 salary for 2009; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 649. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission (Rept. No. 111-159).

S. 592. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service (Rept. No. 111-160).

## 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 Ms. LANDRIEU:

S. 3089. A bill to require a study and report by the Office of Advocacy of the Small Business Administration regarding the effects of proposed changes in patent law; to the Committee on Small Business and Entrepreneurship.

By Mrs. GILLIBRAND:

S. 3090. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the saver's credit and to make the credit refundable; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Ms. LANDRIEU):

S. 3091. A bill to amend the Immigration and Nationality Act to prohibit the Secretary of Homeland Security from charging a fee for a Certificate of Citizenship for a foreign-born child adopted within the United States and for other purposes; to the Committee on the Judiciary.

By Mr. REID:

S. 3092. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the "Joseph A. Ryan Post Office Building"; read the first time.

By Mr. CASEY:

S. 3093. A bill to require semiannual indexing of certain Federal child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUNNING:

S. 3094. A bill to allow individuals to elect to opt out of the Medicare part A benefits; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. BARRASSO, and Mr. BURR):

S. 3095. A bill to reduce the deficit by establishing discretionary caps for non-security spending; to the Committee on the Budget.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 448. A resolution reauthorizing the John Heinz Senate Fellowship Program; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. COCHRAN, Mr. BYRD, Mr. BEGICH, Mr. FEINGOLD, and Ms. MIKULSKI):

S. Res. 449. A resolution celebrating Volunteers in Service to America on its 45th anniversary and recognizing its contribution to the fight against poverty; considered and agreed to.

By Mr. REID:

S. Res. 450. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 118

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 118, a bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 448

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cospon-

sor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 968

At the request of Mr. REID, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1492

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

S. 1700

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1737

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1737, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible

for free school meals, with a phased-in transition period.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1780

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1780, a bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 2888

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2888, a bill to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section.

S. 2993

At the request of Mr. SANDERS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2993, a bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019.

S. 3036

At the request of Mr. BAYH, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Montana (Mr. TESTER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3059

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3059, a bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes.

S. 3065

At the request of Mr. LIEBERMAN, the names of the Senator from Massachu-

setts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. BROWN), the Senator from New Mexico (Mr. UDALL), the Senator from Vermont (Mr. SANDERS), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 3065, a bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as "Don't Ask, Don't Tell", with a policy of non-discrimination on the basis of sexual orientation.

S. 3069

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3069, a bill to amend the American Recovery and Reinvestment Act of 2009 to provide for the preservation and creation of jobs in the United States for projects receiving grants for specified energy property.

S. 3082

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3082, a bill to amend title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes.

S. CON. RES. 51

At the request of Mr. DODD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Con. Res. 51, a concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary.

S. RES. 439

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 439, a resolution recognizing the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas in capturing Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq, and pledging to continue to support members of the United States Armed Forces serving in harm's way.

AMENDMENT NO. 3351

At the request of Mr. REED, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 3351 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3356

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3356 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3365

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3365 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3419

At the request of Ms. CANTWELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 3419 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3434

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 3434 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3439

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 3439 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3440

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 3440 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3447

At the request of Mr. DEMINT, the names of the Senator from Missouri (Mrs. McCASKILL), the Senator from Oklahoma (Mr. COBURN), the Senator from Florida (Mr. LEMIEUX), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arizona (Mr. MCCAIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 3447 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 3089. A bill to require a study and report by the Office of Advocacy of the

Small Business Administration regarding the effects of proposed changes in patent law; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to small businesses and independent inventors everywhere—patent reform.

I understand that the Senate Judiciary Committee has been hard at work analyzing what reforms would improve the U.S. patent system. One of these reforms would involve changing the U.S. from a “first to invent” to a “first to file” invention priority system. As Chair of the Senate Committee on Small Business & Entrepreneurship, I want to ensure that Congress’ reform will create a patent regime that will not unduly burden small businesses and independent inventors, but instead, enhance their success as innovators in the U.S. economy.

Small businesses represent 99.7 percent of all employers, employing ½ of the U.S. labor force. These businesses are at the forefront of U.S. innovation and have produced over 80 percent of net new jobs in the U.S. economy over the past decade. At a time when our Nation’s economy is under stress, we need the help of small businesses in creating new jobs and economic opportunities.

Today, we are living in what some call a “Digital Age” with an ever-increasing focus on how to incorporate advanced technology into our day to day activities. When it comes to advanced technology, small businesses are also leading the pack in terms of job growth, producing approximately 40 percent of all high-tech employment nation-wide.

One measurable way of tracking the rate of small business innovation in the U.S. is by analyzing patent statistics. For example, small businesses in the technology sector produce 13 times more patents per employee than large businesses. Additionally, small firm patents outperform those of larger firms in a number of key areas, and tend to be cited more frequently as these patents are more original and more general. These metrics are important indicators of patent value, and indeed small firm patents are tightly linked to growth in the patenting firms.

As you can see, the role that small businesses play as innovators in our economy is critical to our Nation’s overall success as an international high-tech leader. In order to properly track and understand how changes to the U.S. patent system will impact our small innovators, I am introducing the Small Business Patent Data Collection Act of 2010. This legislation will direct the Small Business Administration’s Office of Advocacy to conduct a study in consultation with the U.S. Patent and Trademark Office to analyze how changes to the current system will impact the ability of small businesses to obtain patents, whether the change

would create barriers, and how it will impact the costs and benefits to small businesses overall.

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. 3089

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. STUDY AND REPORT OF PATENT LAW CHANGES.**

(a) DEFINITIONS.—In this section—

(1) the term “Chief Counsel” means the Chief Counsel for Advocacy of the Small Business Administration; and

(2) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) STUDY.—

(1) IN GENERAL.—The Chief Counsel, in consultation with the Director of the United States Patent and Trademark Office, shall conduct a study of the effects of changing from a first-to-invent to a first-to-file invention priority system under patent law under title 35 of the United States Code.

(2) AREAS OF STUDY.—The study conducted under paragraph (1) shall include examination of the effects of changing from a first-to-invent to a first-to-file invention priority system, including examining—

(A) how the change would affect the ability of small business concerns to obtain patents;

(B) whether the change would create or exacerbate any disadvantage for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns; and

(C) the costs and benefits to small business concerns of the change.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Chief Counsel shall submit to the Committee on Small Business and Entrepreneurship and the Committee on the Judiciary of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report regarding the results of the study under subsection (b).

By Mr. REID:

S. 3092. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the “Joseph A. Ryan Post Office Building”; read the first time.

Mr. REID. 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. 3092

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. JOSEPH A. RYAN POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, shall be known and designated as the “Joseph A. Ryan Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Joseph A. Ryan Post Office Building”.

By Mr. INHOFE (for himself, Mr. BARRASSO, and Mr. BURR):

S. 3095. A bill to reduce the deficit by establishing discretionary caps for non-security spending; to the Committee on the Budget.

Mr. INHOFE. Mr. President, I come to the floor this evening to announce the introduction of a bill, S. 3095. It is called the Honest Expenditure Limitation Act of 2010. It spells HELP. It is the HELP Act of 2010.

On February 1 of 2010, President Obama released his fiscal year 2011 budget with a funding request of \$3.8 trillion. In it he announced a 3-year freeze on discretionary spending for all nonsecurity-related agencies at the fiscal year 2010 levels, which amounts to a total spending level of \$460 billion each year for those agencies. Nonsecurity spending is defined as all agencies except the Department of Defense, the Department of Homeland Security, the Department of Veterans Affairs, the Department of State, and one of the national security-related agencies in the Department of Energy. The administration’s Office of Management and Budget estimates this initiative will save \$250 billion over the coming decade. Keep in mind, that is \$250 billion from where it started, which I will address in a minute.

On the surface, this proposal gives the President the appearance of being fiscally prudent—something the American people have been demanding of their government, especially in recent months. But when you look closely at the numbers he has presented, it is clear as day why he is able to offer this spending freeze without batting an eye. For one, discretionary spending has increased by 20 percent in 2 years. Secondly, the massive \$787 billion stimulus package provided a substantial spending cushion for nearly every agency, making a spending freeze such as the President’s inconsequential.

Let’s stop and look at that. We are talking about \$787 billion in a stimulus bill, but we are also talking about having increased from fiscal year 2008 to fiscal year 2010 by 20 percent. So what he is doing here is raising it 20 percent and then freezing it. What he ought to do, if he had to raise it 20 percent, is start bringing it down.

Additionally, this spending freeze proposal does too little to improve the long-term fiscal aspects of our Nation. We all know we stand at the edge of disaster. Doug Elmendorf, who is the Director of the nonpartisan Congressional Budget Office, recently testified about our Nation’s fiscal outlook before Congress and he didn’t deliver very good news. I will tell my colleagues what he said. He said that last year our budget deficit was a staggering \$1.4 trillion. Remember, just a minute ago I said if you add up all of the—well, let’s say that is actually more than all of the last 6 years of the Bush administration deficits. That amounts to less than the \$1.4 trillion. So he said last year our budget deficit was a staggering \$1.4 trillion, which represented

about 10 percent of the total economy. He expects 2010's deficit only slightly lower at \$1.3 trillion or 9.2 percent of GDP.

Looking further out, the average deficit between now and 2020 is forecast to be \$600 billion per year. This is all coming from Elmendorf. This is the CBO we are talking about. Additionally, CBO estimates the amount of debt held by the public will skyrocket to \$15 trillion by 2020. If it sounds like a staggering number, that is because it is. When you consider the amount of interest we will be paying to China and Japan and others, it is embarrassing: \$700 billion each and every year until 2020 and beyond if we do nothing about our rising deficit levels. In other words, if we keep on what we are doing right now with this administration, with the help of the Democratic legislators in both Houses, it is going to be \$700 trillion.

Let's do the math and put that in perspective. If \$700 billion of interest were paid evenly by every household in the United States today, it would amount to more than \$6,000 per household. That is kind of interesting. I always try to do my math. When I was fighting the effort by this administration to have a cap-and-trade bill which would have been somewhere between \$300 billion and \$400 billion, whether you are talking about the McCain-Lieberman cap-and-trade bill of 2003 or the McCain-Lieberman bill of 2005 or the bills of 2008, or later on the Boxer-Sanders bill, or even going back to Kyoto, it is going to cost somewhere between \$300 billion and \$400 billion. I understand when we talk about billions and trillions of dollars what we are really talking about. So I do my math all the time and say, How much is this going to cost my average taxpaying families in my State of Oklahoma? It amounted to \$3,100 a year. This would have been, if they had been successful in passing a cap-and-trade bill—it is all dead now. They are not going to do it. I don't care what Senator LINDSEY GRAHAM and Senator JOHN KERRY say, it is history now. People are not going to pay that kind of thing to get nothing for it.

Back when we were talking about the \$700 billion interest that would be paid every year, that is what is going to happen by 2020 with this administration if we let it continue. That would cost each tax-paying family in the United States of America \$6,000 per household each and every year after 2020.

Put another way: The entire financial industry bailout—remember the famous bank bailout? I know Republicans were partially responsible for that too. That happened. That vote took place in this Senate on October 1 of 2008. It was back during the Bush administration. It was back when Hank Paulson came in and told everybody that he was going to save our Nation and so Republicans bought into it and many of my good conservative Repub-

lican friends voted for a \$700 billion bailout. I did not and a few others didn't, but a vast majority did. That is kind of interesting because that \$700 billion is the same figure we are using right now that it will cost people by the year 2020—just the interest alone. But the \$700 billion that we could spend on interest in 2020 happens each and every year. We don't get anything for it. It is the cost of living having this much debt in the first place.

At this rate, it will become more and more difficult for the government to fund priorities we truly think are important, such as national security and infrastructure spending. For some reason, nobody around here wants to spend money on infrastructure. I know I get criticized. I am considered to be a conservative. I have been rated the No. 1 most conservative Member of the Senate some time ago by the American Conservative Union and just last week by the National Journal. So you are looking at a conservative, but I am a big spender on some things. One is protecting America. That is what we are supposed to be doing around here. The other is infrastructure. We have a crumbling infrastructure system. Look what happened with some of the bridges crumbling down. I guess that was in Minnesota. People died up there. Our infrastructure is crumbling. It is aging. We need to do something about it, but I can't find anyone who wants to spend money on infrastructure. Instead we are spending money on social engineering.

To combat this, several proposals have been recently introduced that I support. In the House, Congressman PENCE and Congressmen HENSARLING introduced a constitutional amendment that would cap the Federal spending at 20 percent of the economy—20 percent of GDP. It is one way of doing this. I think it is a good idea. I am all for it. Additionally, Senator DEMINT introduced an amendment requiring a balanced budget. I am all for that. Some of my colleagues are supporting a year-long earmark moratorium. That is kind of phony. It was reported on Monday that Speaker PELOSI has suggested a year-long earmark moratorium as well. My colleagues need to consider a couple of issues in talking about earmarks.

One, an earmark moratorium does nothing to combat the increasing government spending. In other words, if you have a moratorium on earmarks, it doesn't save a cent. Funding that would have been spent in earmarks will simply be spent by the Obama administration, by their bureaucrats. I suppose it should come as no surprise that Speaker PELOSI supports the Democratic administration fully funding its own priorities.

Secondly, last year's earmarks accounted for only 1.5 percent of discretionary spending—1.5 percent. Where is the focus on the other 98.5 percent? Where is the focus on what I call bureaucratic earmarks? Here is what hap-

pens. If you stop earmarks—if you read the Constitution, article I, section 9 of the Constitution, it says what we are supposed to be doing here in the House and in the Senate. We are supposed to be making priorities. We are supposed to be doing the spending, and our Founding Fathers recognize that we do a better job knowing what our needs are in the local communities than the central government does.

If we let the President and the President's budget dictate everything and then we try to make changes within that, people will say, Oh, that is an earmark. Well, wait a minute. If you don't do that, then you are having the unelected bureaucrats in government in the Obama administration do the earmarking. So the President earmarks too. If you don't believe it, look at the Appropriations Conference Report, where the focus is on the vast majority of discretionary spending which is doled out every year by unelected bureaucrats.

I wish more people would understand this, because I find that a lot of the people who hammer and demagog the earmark mantra are the ones who are the biggest spenders and it is a nice way of deviating from your behavior. I think something needs to be done immediately and seriously.

So today I am introducing the HELP Act, as I mentioned. It is called the Honest Expenditure Limitation Program Act of 2010. The bill does three things. One, it places caps on nonsecurity discretionary spending which I define exactly as President Obama's budget does. I do this because I wish to show the similarities between what he said he wants to do and what I want to do. The second thing is it enforces the caps by sequestering any spending above the cap through across-the-board cuts, a process that currently applies to mandatory spending, but not to discretionary. Three, it disallows Congress from evading the sequestration cuts through a 67-vote point of order against any attempt to exempt new spending from this legislation. That is going to make it pretty tough to get through.

Rather than simply freezing the spending as the President wants to do at the 2010 levels—let's keep in mind, first, he increased discretionary spending for a year by 20 percent, and then he wants to freeze it there.

Instead of doing that for 3 years and then allowing spending to explode again, which is what his proposal does, my bill would actually cut discretionary spending for nonsecurity agencies, the same exemptions he has, back to fiscal year 2008 levels. It is cutting it back by 20 percent of what he tries to do, about \$400 billion a year. Spending would be frozen for 5 years—not 3 years but 5 years, through 2020. Rather than simply freezing spending levels for only 3 years and at an artificially high level, as the President's proposal does, my initiative would hold the Federal Government more accountable for the next

10 years by creating real, meaningful spending cuts and then placing the cap at reduced levels.

The difference in savings between my plan and President Obama's plan is clearly displayed on this chart.

If we look at the chart, the blue bars represent how nonsecurity-related discretionary spending levels will rise over the next 10 years if allowed to increase. This is according to OMB's numbers.

The red line illustrates the impact of Obama's plan and what will happen if spending is allowed to increase following the 3-year freezing on the estimates of OMB, the Office of Management and Budget. They are non-partisan, by the way, and very accurate. Clearly, the \$250 billion in savings is not substantial when spread over a 10-year period. It really does not tighten the belt at all.

My proposal is represented in the green bars. These are the spending levels. Watch as they go down over the period of time from 2010 to 2020. We phase down spending levels from the high point in 2010 to a more reasonable level between 2011 and 2015 and then stay flat thereafter.

My plan, when compared to the blue bars of doing nothing, will save more than \$880 billion over the next 10 years. Let me say that again. By reducing nonsecurity discretionary spending levels, using the same definition of "non-security" as the President is using, to 2008 levels and then holding them there through 2020, our Nation can save nearly \$1 trillion. When I compare my plan directly with President Obama's, my plan saves \$634 billion more than his.

I have made my estimates using the methodologies of the Office of Management and Budget, and they are probably conservative. First off, if you look at the history of discretionary spending, annual increases are far greater than what they assume they are here. Second, we do not estimate how much we would be saving in interest by not having to borrow the spending we are cutting. Overall, this proposal will likely save much more than the nearly \$1 trillion we estimate.

If we do nothing to curtail skyrocketing government spending or merely freeze it at an artificially high, elevated level for a few years, as the Obama administration is trying to do, we will find ourselves in a tragic situation. The clock is ticking. Congress is going to have to act.

Some of my colleagues will probably attack this proposal because the hardest thing to do around here is cut spending. Without cutting spending, we only leave one alternative, and that is massively raising taxes. That is not what the American people want, and it would harm our economic recovery.

Around these halls, we seem to forget. Most of the Members of the Senate have forgotten the recess last August when they had all the tea parties out there and people were yelling and screaming and people wanted to get in-

involved. People were getting involved in politics who never had been involved before. They were concerned primarily about two issues. At that time, it was government-run health care and cap-and-trade, which would have been the largest tax increase in the history of this country.

Right now, the Obama administration is saying: I don't care what anybody says, we are going to stay with it; we are going to be tough; we are going to have this government-run health care system and bring back cap-and-trade. They have just completely forgotten what happened.

I have to agree with Senator McCONNELL. I hope people remember that all the way through the election because that is going to repeat what I remember in 1994.

Others may charge this proposal will harm the government's ability to help citizens in their time of need. But what is important to realize about this spending reduction is that it will have no impact on mandatory spending programs such as unemployment benefits, Social Security, Medicare, and Medicaid. Those programs are in need of reform, but this bill does not do that. This bill only affects the agencies identified by President Obama as nonsecurity.

My bill, the HELP Act of 2010, would take President Obama's proposed spending freeze and truly make an impact. Rather than merely freezing spending at the inflated 20-percent increase of the 2010 levels, this would bring it back down to 2008. I think this can be done.

I really do believe the American people are going to start getting involved. They have not forgotten. I was giving a speech in Florida. This particular group was actually Club for Growth. Their group is concerned about spending. I told them some of the things we could be doing, some of the things to watch out for. Watch out for those who say you can have a moratorium on earmarks and somehow affect—if you affected all of that, it would be something like 1.5 percent. My bill affects the other 98.5 percent.

We are going to have to do it right now. If we wait, each month that goes by—as I said, the budget he increased and his deficit was as much as the last 6 entire years of the Bush administration.

This is the HELP Act. It is one that will work, and it is one that has come along at the right time. Now is the time to act.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 448—REAUTHORIZING THE JOHN HEINZ SENATE FELLOWSHIP PROGRAM

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 448

*Resolved,*

#### SECTION 1. JOHN HEINZ SENATE FELLOWSHIP PROGRAM.

Senate Resolution 356, 102d Congress, agreed to October 7, 1992, is amended by striking section 5 and inserting the following:

#### "SEC. 5. FUNDS.

"There are authorized to be appropriated to carry out the provisions of this resolution \$85,000 for each of fiscal years 2005 through 2014."

Mr. SPECTER. Mr. President, I have sought recognition to submit a resolution reauthorizing the John Heinz Senate Fellowship Program. This Congressional fellowship program, created in 1992, is a fitting tribute to my late colleague and dear friend, United States Senator John Heinz. Senator Heinz dedicated his life and much of his Congressional career to improving the lives of senior citizens. He believed that Congress has a special responsibility to serve as a guardian for those who cannot protect themselves. This fellowship program, which focuses on aging issues, honors the life and continues the legacy of Senator Heinz.

During his 20 years in the Congress, John Heinz compiled an enviable record of accomplishments. While he was successful in many areas, he built a national reputation for his strong commitment to improving the quality of life of our Nation's elderly. Pennsylvania, with nearly 2 million citizens aged 65 or older—over 15 percent of the population—houses the third largest elderly population nationwide. As John traveled throughout the State, he listened to the concerns of this important constituency and came back to Washington to address their needs through policy and legislation.

Senator Heinz led the fight against age discrimination by championing legislation to eliminate the requirement that older Americans must retire at age 65, and by ensuring full retirement pay for older workers employed by factories forced to close. During his Chairmanship of the Senate Special Committee on Aging from 1981–1986 and his tenure as Ranking Minority Member from 1987–1991, Senator Heinz used his position to improve health care accessibility and affordability for senior citizens and to reduce fraud and abuse within Federal health care programs. Congress enacted his legislation to provide Medicare recipients a lower cost alternative to fee-for-service medicine, as well as his legislation to add a hospice benefit to the Medicare program.

John also recognized the great need for nursing home reforms. He was successful in passing legislation mandating that safety measures be implemented in nursing homes and ensuring that nursing home residents cannot be bound and tied to their beds or wheelchairs.

The John Heinz Senate Fellowship Program will help continue the efforts of Senator Heinz to give our Nation's elderly the quality of life they deserve. The program encourages the identification and training of new leadership in

aging policy by awarding fellowships to qualified candidates to serve in a Senate office or with a Senate Committee. The goal of this program is to advance the development of public policy in issues affecting senior citizens. Administered by the Heinz Family Foundation in conjunction with the Secretary of the Senate, the program allows fellows to bring their firsthand experience in aging issues to the work of Congress. Heinz fellows who are advocates for aging issues spend a year to help us learn about the effects of Federal policies on our elderly citizens, those who are social workers help us find better ways to protect our Nation's elderly from abuse and neglect, and those who are health care providers help us to build a strong health care system that addresses the unique needs of our seniors.

The Heinz fellowship enables us to train new leaders in senior citizen advocacy and aging policy. The fellows return to their respective careers with a new understanding about how to work effectively with government, so they may better fulfill their goals as senior citizen advocates.

The John Heinz Senate Fellowship Program has been a valuable tool for Congress and our communities since its establishment in 1992. The continuation of this vital program will signal a sustained commitment to our nation's elderly. I urge my colleagues to join me in cosponsoring this resolution, and urge its swift adoption.

#### SENATE RESOLUTION 449—CELEBRATING VOLUNTEERS IN SERVICE TO AMERICA ON ITS 45TH ANNIVERSARY AND RECOGNIZING ITS CONTRIBUTION TO THE FIGHT AGAINST POVERTY

Mr. ROCKEFELLER (for himself, Mr. COCHRAN, Mr. BYRD, Mr. BEGICH, Mr. FEINGOLD, and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 449

Whereas Volunteers in Service to America (VISTA) has made an extraordinary contribution to alleviating poverty and improving American society since the program began in 1965;

Whereas more than 175,000 individuals of all ages and from different walks of life have answered VISTA's call to devote a year of full-time service living and working in low-income communities to help eradicate poverty;

Whereas VISTA members have helped create many successful and sustainable community initiatives, including Head Start centers, credit unions, and neighborhood watch groups, with VISTA alumni going on to serve in leadership positions in government, private, and nonprofit sectors throughout the United States;

Whereas VISTA, which became part of AmeriCorps in 1993 and is administered by the Corporation for National and Community Service, annually engages more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs;

Whereas AmeriCorps VISTA members improve the lives of the most vulnerable citi-

zens in our Nation by fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology;

Whereas AmeriCorps VISTA members develop programs, recruit community volunteers, generate resources, manage projects, and enhance the ability of nonprofit organizations to become and remain sustainable, thereby strengthening the nonprofit sector in low-income communities across the United States; and

Whereas AmeriCorps VISTA members generate more than \$100,000,000 in cash and in-kind resources annually for organizations throughout the Nation, as well as recruit and manage more than 1,000,000 volunteers who provide 10,000,000 hours of community service for local organizations: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the more than 175,000 men and women who have served in VISTA for their dedication and commitment to the fight against poverty;

(2) recognizes VISTA members for leveraging human, financial, and material resources to increase the ability of thousands of low-income areas across the country to address challenges and improve their communities; and

(3) encourages the continued commitment of VISTA members to creating and expanding programs designed to bring individuals and communities out of poverty.

#### SENATE RESOLUTION 450—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 450

*Resolved*, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burris, Mr. Bingaman, Mr. Kaufman.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, Mr. Kaufman.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3448. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3412 submitted by Mr. LAUTENBERG and intended to be proposed to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3449. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3450. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3397 proposed by Mr. ROCKEFELLER (for himself and Mr. GRASSLEY) to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3451. Mr. BAUCUS proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

#### TEXT OF AMENDMENTS

SA 3448. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3412 submitted by Mr. LAUTENBERG and intended to be proposed to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, strike "section 403(a)" and insert "sections 403(a) and 423(b)".

SA 3449. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

"With respect to the credit for nonbusiness energy property, windows, doors, and skylights that meet the Environmental Protection Agency's Energy Star standards but that do not meet the standards in the American Recovery and Reinvestment Act shall be eligible for a \$1,000 tax credit.

"With respect to the credit for nonbusiness energy property, windows, doors, and skylights that meet the standards in the American Recovery and Reinvestment Act shall be eligible for a \$1,500 tax credit."

SA 3450. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3397 proposed by Mr. ROCKEFELLER (for himself and Mr. GRASSLEY) to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SEC. 6. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking "unless" and all that follows and inserting "unless—

"(A) such component is equal to or below a U factor of 0.30 and SHGC of 0.30, or

"(B) for a credit allowable under subsection (a) applied by substituting '\$1,000' for '\$1,500' in subsection (b), in the case of—

"(i) any component placed in service after the date which is 90 days after the date of the enactment of the American Workers,



State, and Business Relief Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(ii) in the case of any component placed in service after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(iii) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 6. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.**

(a) **IN GENERAL.**—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) **ELECTIVE DEFERRALS.**—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

“(2) **ELECTIVE DEFERRAL.**—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

**SA 3451.** Mr. BAUCUS proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike section 201 and insert the following:

**SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “December 31, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “May 31, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “December 31, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in paragraph (3), by striking “October 5, 2010” and inserting “June 30, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “January 1, 2011”; and

(B) in subsection (c), by striking “September 4, 2010” and inserting “June 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “May 31, 2011”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Strike section 211 and insert the following:

**SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking “March 31, 2010” and inserting “December 31, 2010”.

(b) **RULES RELATING TO 2010 EXTENSION.**—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) **RULES RELATED TO 2010 EXTENSION.**—

“(A) **ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.**—In the case of any premium for a period of coverage during an assistance eligible individual’s 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual’s qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

“(B) **REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.**—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual’s 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) **2010 TRANSITION PERIOD.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) **CONSTRUCTION.**—Any period during the period described in subclauses (I) and (II) of

clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) **NOTIFICATION.**—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

In section 212, strike “December 31, 2009” and insert “March 31, 2010”.

In section 231, strike “this title” and insert “this Act”.

In section 241(1), strike “March 1, 2010” and insert “March 31, 2010”.

In section 601(1), strike “February 28, 2010” and insert “March 31, 2010”.

In section 601(2), strike “March 1, 2010” and insert “April 1, 2010”.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 17, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Jeffrey Lane, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to [Amanda\\_Kelly@energy.senate.gov](mailto:Amanda_Kelly@energy.senate.gov).

For further information, please contact Sam Fowler or Amanda Kelly.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 9, 2010, at 9 a.m.

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 9, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

## COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 9, 2010, at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "U.S. Preference Programs: Options for Reform."

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

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SCHUMER. 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, to conduct a hearing entitled "ESEA Reauthorization: The Importance of World-Class K-12 Education for Our Economic Success" on March 9, 2010. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

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

## COMMITTEE ON VETERANS' AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 9, 2010. The Committee will meet in room SDG-50 in the Dirksen Senate Office Building beginning at 9:30 a.m.

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 9, 2010 at 2:30 p.m.

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

## SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Toxics, and Environmental Health of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 9, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

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

## MAJORITY COMMITTEE APPOINTMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 450, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 450) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 450) was agreed to, as follows:

## S. RES. 450

*Resolved*, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Byrd, Mr. Liberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burris, Mr. Bingaman, Mr. Kaufman.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Liberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, Mr. Kaufman.

## NOMINATION REFERRED

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the nomination of Robert A. Harding to be Assistant Secretary of Homeland Security, received by the Senate on Monday, March 8, be referred to the Senate Committee on Commerce, Science, and Transportation; that upon the reporting out or discharge of the nomination, it then be referred to the Committee on Homeland Security and Governmental Affairs for a period not to exceed 30 calendar days; that if the Committee on Homeland Security and Governmental Affairs has not reported the nomination at that time, then the committee be discharged and the nomination be placed on the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## NORTH AMERICAN WETLANDS CONSERVATION ACT AMENDMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 308, H.R. 3433.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3433) to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes.

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

Mr. DURBIN. I ask unanimous consent that the bill be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 3433) was ordered to a third reading, was read the third time, and passed.

## CELEBRATING VOLUNTEERS IN SERVICE TO AMERICA

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 449, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 449) Celebrating Volunteers in Service to America on its 45th anniversary and recognizing its contribution to the fight against poverty.

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

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions 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. 449) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 449

Whereas Volunteers in Service to America (VISTA) has made an extraordinary contribution to alleviating poverty and improving American society since the program began in 1965;

Whereas more than 175,000 individuals of all ages and from different walks of life have answered VISTA's call to devote a year of full-time service living and working in low-income communities to help eradicate poverty;

Whereas VISTA members have helped create many successful and sustainable community initiatives, including Head Start centers, credit unions, and neighborhood watch groups, with VISTA alumni going on to serve in leadership positions in government, private, and nonprofit sectors throughout the United States;

Whereas VISTA, which became part of AmeriCorps in 1993 and is administered by the Corporation for National and Community Service, annually engages more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs;

Whereas AmeriCorps VISTA members improve the lives of the most vulnerable citizens in our Nation by fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology;

Whereas AmeriCorps VISTA members develop programs, recruit community volunteers, generate resources, manage projects,

and enhance the ability of nonprofit organizations to become and remain sustainable, thereby strengthening the nonprofit sector in low-income communities across the United States; and

Whereas AmeriCorps VISTA members generate more than \$100,000,000 in cash and in-kind resources annually for organizations throughout the Nation, as well as recruit and manage more than 1,000,000 volunteers who provide 10,000,000 hours of community service for local organizations: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the more than 175,000 men and women who have served in VISTA for their dedication and commitment to the fight against poverty;

(2) recognizes VISTA members for leveraging human, financial, and material resources to increase the ability of thousands of low-income areas across the country to address challenges and improve their communities; and

(3) encourages the continued commitment of VISTA members to creating and expanding programs designed to bring individuals and communities out of poverty.

#### MEASURE READ THE FIRST TIME—S. 3099

Mr. DURBIN. Mr. President, I understand that S. 3092, introduced earlier today by Senator REID, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3092) to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive, in Las Vegas, Nevada, as the “Joseph A. Ryan Post Office Building.”

Mr. DURBIN. I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

#### ORDERS FOR WEDNESDAY, MARCH 10, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, March 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes; that following morning business, the Senate resume consideration of H.R. 4213, as provided for under the previous order; and, finally, I ask that time during any adjournment or period of morning business count postcloture.

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

#### PROGRAM

Mr. DURBIN. Mr. President, tonight we were able to reach agreement to complete action on the tax extenders legislation tomorrow afternoon. Under the agreement, at approximately 2 p.m. all postcloture debate time will expire and the question will be on the substitute amendment. Once the substitute amendment is agreed to, the Senate will proceed to a cloture vote on the bill, H.R. 4213. If cloture is invoked, the Senate would then proceed to a vote on passage of the bill, as amended. Therefore, Senators should expect up to three rollcall votes beginning at 2 p.m.

The majority leader would like to begin consideration of the Federal Aviation Administration reauthorization legislation tomorrow.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:46 p.m., adjourned until Wednesday, March 10, 2010, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FEDERAL ENERGY REGULATORY COMMISSION

CHERYL A. LAFLEUR, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2014. VICE SUEDEEN G. KELLY, TERM EXPIRED.

PHILIP D. MOELLER, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2015. (RE-APPOINTMENT)

##### NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

LAWRENCE J. PIJEAUX, JR., OF ALABAMA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014. VICE A. WILSON GREENE, TERM EXPIRED.

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

REAR ADM. CAROL M. POTTENGER

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333(C) AND 9336(B):

##### To be colonel

CAROLYN ANN MOORE BENYSHEK

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

##### To be colonel

RONALD J. DYKSTRA

LOUIS H. JORDAN  
WILLIAM M. KEHRER  
STEPHEN A. TOWN

##### To be lieutenant colonel

SCOTT E. ARMSTRONG  
LARRY D. GLIDEWELL  
DOUGLAS R. LEWIS  
THARNELL M. THOMAS

##### To be major

COOPER D. BOWDEN  
LAURALEE FLANNERY  
JOSEPH G. GOVOCEK  
THOMAS W. HAAS  
COREY W. HARRIS  
CARDELL J. HERVEY  
KRISTOFER S. LABOWSKI  
SEAN M. LAVIGNE  
TIMOTHY J. LEMLEY  
PAUL L. MAHER  
PATRICK L. MALLETT  
RICHARD J. NAMETH  
SCOTT C. NAYLOR  
JEFFREY ORTOLI  
CHRISTOPHER R. REID  
MATTHEW W. ROMAN  
JOHN D. SHANNON  
DEIDRA E. SIDDALL  
SCOTT H. SINKULAR  
JAMES L. WILKINSON  
ANTHONY T. WILSON

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be captain

JAMES H. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

ENRIQUE G. MOLINA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

SCOTT A. CARPENTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

CHRISTOPHER C. RICHARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

JACOB C. HINZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant commander

STANLEY E. HOVELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant commander

RIVKA L. WEISS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant commander

SHAWN M. STEBBINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant commander

HENRY D. LANGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

##### To be lieutenant commander

CHRISTIE M. QUIETMEYER