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Senate

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

PRAYER

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

Let us pray.

Almighty God, eternal and unchangeable, we pray for this Nation, its people, and its institutions in these challenging times. If we have forsaken You, do not abandon us. If we have sinned, forgive us. If we have been mistaken, correct us. Lord, let Your grace be sufficient for all our needs. Lift the efforts of this body into the higher reaches of Your kingdom, guiding and strengthening our Senators in the discharge of their duties. Bless their work as You strengthen them by Your spirit to honor You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 17, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico 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, we will be in a period for the transaction of morning business for an hour. Senators will be allowed to speak for up to 10 minutes each. Republicans will control the first half and the majority will control the second 30 minutes. Following morning business, the Senate will resume consideration of the motion to proceed to the Travel Promotion Act postcloture. Following adoption of the motion to proceed to the travel bill later this afternoon, we will turn to the emergency supplemental appropriations conference report.

I am disappointed that we are again wasting time on a heavily bipartisan bill, the Travel Promotion Act, which has wide support by both the Democrats and Republicans. But the Republicans forced us to have a vote on cloture to allow us to get on the bill. All the Republicans voted for it. They are filibustering things they even agree with just to stall for time. This is 30 hours we could use to do a lot of good. I don't know what would be the rationale for wasting this time. Maybe they don't want President Obama to complete more legislation through us. It is beyond my ability to comprehend why we would waste this time.

It has been written and talked about that this is the most accomplished Congress since the first year of the Roosevelt administration. I don't have before me all the legislation we have done, but I am going to try to recall some of the things we have done.

We passed the lands bill, the most significant environmental legislation in more than a quarter of a century, creating more than 2 million acres of wilderness, 1,000 miles of scenic rivers, hundreds of miles of trails, and many other good things in this very important legislation.

We passed the Lilly Ledbetter legislation equalizing pay between men and women.

We passed the Children's Health Insurance Program which had been vetoed by President Bush on several occasions. Now more than 14 million children can go to the doctor when they are sick or hurt.

We passed the economic recovery package. Twenty-five percent of that money is out. The rest is coming.

We passed the omnibus spending bill—very important legislation which had been held up by the Bush administration. We spent $1.2 trillion of the people's money within a period of 3 weeks. Why did we do that? We did it because Mark Zandi, among others, Senator MCCAIN's chief economic adviser, Republican economists, and Democratic economists told us we had to do this to stop a worldwide depression, and we have done that. As Chairman Bernanke said, the crops have been planted and the shoots are now appearing out of the ground.

We went on to pass a procurement bill—extremely important—to rein in the excessive expenses of what has taken place in years past with the Pentagon, overspending money we give them; that is, something is supposed to cost this much and winds up costing twice as much.

We were able to pass national service legislation, allowing 750,000 people in America to be involved in public service, dealing with the environment, health care, the poor. During the 7,000 hours they volunteer, they get a small stipend. When they finish, they get an amount of money to help with their college education.

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

Credit card legislation—so important—we finally were able to do it. After years of talking about doing it, we did it to stop the ripoffs of these credit card companies and what they were doing to hurt Americans—all Americans.

We passed tobacco legislation. I can remember, when I was working in the Capitol of the United States going to law school, the Surgeon General came out with the first report that smoking was bad for you. Some people thought that was the case, but the Surgeon General of the United States said it will kill you. We have been trying ever since then to get control of tobacco. After all these years, we did it.

We have been able to work on other important pieces of legislation—financial fraud, reported out of the Judiciary Committee, which stops scams taking place on people who are about to begin foreclosure, taking advantage of people who are in a time of distress. We passed a lot of housing legislation that is important to allow people to stay in their homes. Have we stopped it all? Of course not. But we have done a pretty good job at that.

We are now arriving at a point where we are going to pass the supplemental appropriations bill, which is very important, to fund our troops. This is the last time we will have to do this because President Obama is honest with his budgeting. The cost of the war is in his budget. It was never in President Bush's budget. For the 8 years he was President, he never put it in his budget. We had to come back and do supplemental emergency appropriations bills to fund our troops.

It is interesting to note, all but five Republicans in the House of Representatives voted against funding the troops yesterday. It will be interesting to see what happens here. Are my Republican colleagues going to join with us to fund the troops? I think so. I certainly hope so.

We have accomplished a lot more than what I have just outlined, but we have done it by reaching out to the Republicans. We have not gotten a lot of help from the Republicans, but we have gotten enough to pass bills. For example, on the economic recovery package, we needed 2, and neither one of the 2 would be the 60th vote, so we had to get 3, and we got 3. I appreciate very much the courage of Senators SPECTER, SNOWE, and COLLINS in doing that. It was good for their States and good for our country. We have reached out to the Republicans time and time again.

HEALTH CARE DEBATE

Mr. REID. Mr. President, we began this year dedicated to delivering the change the American people demanded in November. We began this Congress committed to making life better for the middle class, for hard-working families who play by the rules. But the American people also demanded something more. They said that we, their leaders, should not be unwilling to work together. The challenges we face have left no one unscathed. We are all in this hole together, and the only way we climb out of this hole is by doing so together.

When the American people spoke last year, they gave us, above all, a mandate for bipartisanship. It was in that spirit that I wrote my Republican colleagues this spring. In that letter, I said one of the best ways to lift our economy is to keep down health care costs. Almost 50 million Americans have no health care, and the problem grows worse every day.

Every day, more Americans go bankrupt or lose their homes just trying to stay healthy. Even those fortunate enough to have insurance pay a hidden tax for those who do not. What does that mean? It means 50 million people, when they get sick or hurt, go to the nearest emergency room. That emergency room may be across the street or 50 miles from where they are, but that is where they go. That increases the cost of every one of our health insurance policies, it increases the cost of the doctor bills we get, the hospital bills we get, and indigent taxes. If your family has health care, you pay at least $1,000 more than you would if all other families had health care.

In that letter, I expressed my sincere hope that Republicans would work with us to respond to this emergency. I extended my hand. I asked for their help. Although I knew we would disagree at times, I told them I looked forward to an open and honest dialog about how to help struggling Americans.

In this letter, I especially asked Republican colleagues to focus on the concrete and critical crisis that affects children, families, and small businesses every day—a parent cannot take a child to a doctor because insurance does not exist or is prohibitively expensive; a family lives one accident or illness away from financial ruin; small businesses lay off employees because they cannot afford skyrocketing health care premiums. We hear those stories every time we go home.

I asked in that letter that we use the short and valuable time we have to work together in our common interest rather than against each other and against the interests of the American people. I wish I could say Republicans answered those words with deeds of equal good faith. But how have they responded regarding health care? Have they taken the hand we have extended across the aisle? No. Have they taken the seat we offered at the negotiating table? No. Have they engaged in a productive debate about real people and real problems that relate to health care? No. Have they shown they are just as interested as we are in working with each other rather than against each other? No. Have they told us a single thing they are for rather than what they are against? No; it is always what they are against. In fact, ''no'' is all we hear from the Republicans these days. Instead of debating facts, Republicans have committed themselves to a strategy of misinformation and misrepresentation.

We have different priorities. We are committed to lowering the high cost of health care, ensuring every American has access to that quality, affordable care and letting people choose their own doctors, hospitals, and health plans. We are committed to protecting existing coverage when it is good and improving it when it is not and guaranteeing health care for millions, including 9 million children who have none.

I don't believe doing nothing is an option because the costs of doing nothing are too great. We must pass health care reform this year. As we said at the start of this year, at the start of this work period, at the start of this debate, we will continue doing our best to work with Republicans and pass a bipartisan bill.

In spite of the past, I remain optimistic that both Republicans and Democrats recognize how urgent this health care debate is. The health of our citizens and our economy is at stake, and neither will be able to recover if we wait. But as important as bipartisanship is—and it is important—it is not as critical as helping the nearly 50 million Americans who have nowhere to turn, the other 20 million who have bad insurance, and the rest of America, which is paying at least $1,000 more for their insurance policy as a result of people having no insurance.

As I said in my letter this April, in order for this bipartisan process to take root, Republicans must demonstrate a sincere interest in legislating. I hope they do so because one way or another, we are going to get health care reform done.

Thank you, Mr. President.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, earlier this year, the new administration proposed and Democrats in Congress approved an economic stimulus bill that was meant to lift the economy at a time of massive job losses and widespread economic hardship. Not only was the bill enormously complex, it was also one of the costliest pieces of legislation ever proposed. Yet those who put it together insisted it be rushed to a vote.

Their reason, of course, was the economic downturn was too dire to wait. Trust us, they said; it is responsible, it is needed, and it will work. So this incredibly complex, enormously expensive bill, introduced on January 26, was passed less than 3 weeks later, just 24 hours—24 hours—after all its details

had been disclosed to the public for review.

At the time, I argued that spending this much borrowed money in the middle of a recession on a bill that had been rushed to the floor was extremely irresponsible. At a time when millions were struggling to make ends meet, Washington had no business borrowing hundreds of billions of dollars to pay for government golf carts and ATV trails in the name of economic stimulus. This week, Senator COBURN has catalogued some of the other outrages that are contained in this bill. Here are just a few:

The town of Union, NY, received a $578,000 grant that it didn't request for a homeless problem it claims it does not have. Florida is planning to spend $3.4 million in stimulus money to build a 13-foot turtle tunnel at Lake Jackson. That is more than a quarter of a million dollars per foot. This one takes the cake. In North Carolina, $40,234 in Federal stimulus money will pay for the salary—the salary—of someone whose job is to lobby for more stimulus money. That is $40,234 to pay someone to lobby for more stimulus money.

This would be comical if it weren't so maddening and if these projects hadn't been sold to the American people as the answer to our economic problems and if the administration hadn't assured us it would make sure every cent of this money was spent efficiently and without waste. But that was then.

The administration had promised since January it would keep an eye on how precious tax dollars were spent. But just months after the stimulus was signed into law, it was already admitting funds would be wasted and people were being scammed.

In January and February, administration economists took to the talk shows promising that the stimulus would create 3 to 4 million jobs. They said that if we passed the stimulus, the unemployment rate would now be about 8 percent. But just a few months later, with job losses continuing to mount, the administration admits their early predictions were simply a guess and that they guessed wrong. Today, the unemployment rate stands at 9.4 percent. Just yesterday, the administration said it expects unemployment to climb even higher.

The $1 trillion they said was absolutely necessary to jump-start the economy, and which was put on a fast track by an eager-to-please, Democratically led Congress, is now being called a very bad guess by the very people who proposed it.

Now they are asking us to do it again, only this time it is even more than $1 trillion, and the consequences could be far worse.

The early estimates we are getting for the health care proposal we have seen are that a portion of it—just a portion of it—will be $1.3 trillion. This figure, staggering in itself, doesn't even account for the money that would be needed to pay for expanding Medicaid and creating a new government-run plan. No one can tell us where any of this money will come from.

Yet similar to the stimulus, we are being told, in the most urgent tones, that this government takeover of health care is absolutely necessary, and we have to approve it as soon as possible, without review, without knowing the full cost, and without knowing how it will affect people's lives. Once again, it is rush and spend and rush and spend and a tidal wave of debt.

Everyone in America knows health care reform is needed in this country, but they want us to do it right. They do not want a blind rush to spend trillions—trillions—of dollars in the hope that the administration gets it right. During the debate over the stimulus, we were told we had to pass it right away, with just 24 hours to review—or $42 billion an hour—for the sake of the economy. Now we are being told we need to approve a particular set of health care reforms for the sake of the economy, but we have no bill. We have no idea of its total cost. Yet it is rush, rush, rush.

We have heard all this before. We have made this mistake already. Americans will not be rushed into another one. Americans do want health care reform, but they want the right reform, not a government takeover disguised as a reform that takes away the care they have, replaces it with something worse, and costs untold trillions that they and their grandchildren will have to pay through higher taxes and even more debt.

The administration admits it made a mistake on its predictions about the stimulus. We shouldn't make the same mistake again when it comes to health care.

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 for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Arizona.

HEALTH CARE REFORM

Mr. MCCAIN. Mr. President, as we all know, health care dominates the agenda and the thoughts and efforts of the Congress of the United States, and it has to be addressed. It is a historic opportunity to achieve the health reforms Americans need today more than ever. We need fundamental reforms—reforms that not only help people get affordable health care coverage but reforms that bring down the cost of health care.

Given the enormous cost associated with the bill that has been proposed, I have called on the other side to scrap the bill and start from scratch. We have to get it right. It shouldn't be a partisan process that forces a bad bill through committee. In starting over, we must address the fundamental components of health care reform, including the major drivers of increasing health care costs.

One of the main factors keeping health care cost trends too high is defensive medicine. Many medical practitioners order additional procedures for fear of litigation, which drives up the medical malpractice insurance costs faced by so many in the medical profession. Medical liability insurance is a direct result of out-of-control lawsuits that force physicians to practice defensive medicine to avoid these often costly and baseless liability lawsuits. Any legislation reforming our health care system is incomplete if it doesn't address this important issue.

A 2003 HHS report estimated the cost of defensive medicine to be between $70 billion and $126 billion a year. Put that in the light of the report that is in the Washington Post this morning, which states that CBO says Obama's health plan needs spending controls. It goes on to say of President Obama's plan to expand health coverage to the uninsured:

> It is likely to dig the Nation deeper into debt unless policymakers adopt politically painful controls on spending, such as sharp reductions in payments to doctors, hospitals and other providers.

There is a way to save about $100 billion a year—$100 billion a year. Because if it were updated, the cost estimate would likely increase to $100 billion to $180 billion a year. Where is it in this bill? It is nowhere. It is nowhere. That is a testament to trial lawyers of America.

On Monday, before a receptive crowd at the American Medical Association, the President stuck his toe in the medical liability reform waters by acknowledging that medical liability reform is real. But the President also took caps on noneconomic damages off the table by saying:

> Don't get too excited yet, just hold onto your horses here, guys . . . I want to be honest with you, I'm not advocating caps on malpractice awards.

This all but ensures that meaningful reform won't happen. Today, the Wall Street Journal stated in an opinion piece:

> President Obama mentioned the medical liability problem and . . . we suppose this is progress [but] Mr. Obama's [call] might have had more credibility had he not specifically ruled out the one policy to deter frivolous suits.

Without caps on medical malpractice awards, ''the tort lottery will continue.''

Interestingly, my neighboring State of California addressed this precise problem in 1975 by passing legislation that capped jury awards for ''noneconomic damages,'' such as pain and suffering, from medical malpractice lawsuits. Not only does this cap reduce the amount of damages, but it has had the effect of deterring lawsuits. Malpractice filings have fallen in almost every county in California. According to a 2004 RAND study, this has led to awards in medical malpractice lawsuits being 30 percent less than other States. Such a cap is sure to also lead to lower medical malpractice insurance rates.

Not only do you have a reduction in the number of suits themselves, a reduction in awards, but you can imagine the costs that have been saved because doctors no longer feel compelled to practice defensive medicine, thereby prescribing unnecessary and unneeded tests and procedures simply to protect themselves in court from medical malpractice

There are plenty of ideas that should be considered. Caps on noneconomic damages, health courts, and national standards of care are just a few thoughtful concepts. In State malpractice reform over the years, we have demonstrable success stories that capping noneconomic damages brings down the cost of malpractice insurance. California and Texas both have reformed malpractice to stem the tide of doctors leaving their States.

There is also intriguing ideas involving health courts—courts focused only on health disputes, with specially trained judges having expertise in health court adjudication to make injury compensation decisions.

Some have also pushed for a concept establishing a national standard of care. The concept envisions establishing specific clinical practice guidelines that doctors would be required to follow and enforced by the Department of Health and Human Services. Supporters believe this approach might reduce liability concerns.

These are but three examples that can be considered on both sides of the aisle. There are other ideas we would be well served to consider.

When health care costs are said to be driven up by over $100 billion and up to 40 percent of medical liability lawsuits being entirely groundless, don't you think the other side would have some provision in their bill to address this fundamental problem; maybe even a modest provision? Well, I am here to tell you that the other side has yet to suggest any provision to address medical malpractice reforms. Shocking. It should be addressed, and it must be addressed as part of real health reform.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, today in the Health, Education, Labor and Pensions—HELP—Committee of the Senate, after several days of discussions, we are beginning to work on the health reform legislation that was proposed by our chairman, Senator KENNEDY. As we begin our work today, I want to suggest that we put aside the legislation we were working on and that we start over because the Kennedy bill we are dealing with is so flawed and expensive that it cannot be fixed. There are better proposals available for us to work on, proposals advanced by Senator BURR, by Senator COBURN, there is a bipartisan proposal that Senator WYDEN and Senator BENNETT have offered, and Senator HATCH, a former chairman of the committee, is working with a number of Senators on a proposal that seems, to me, to be a much better base for a beginning.

As we go to work on health care reform, these are the things we should keep in mind. We would want to be able to say to the American people that we are interested in all 300 million of you, not just the 47 million uninsured; that our goal is to provide for each one of you a health care plan that you can afford, a plan in which you and your doctor—not Washington, DC—make the decisions, a plan that emphasizes prevention and wellness. We want to give low-income Americans the same kind of health plan that most Americans already have. We do not want to make it harder for American businesses to compete in the world marketplace by adding to their costs. And we do want a plan that your children and your grandchildren can afford so they are not saddled with a massive debt that devalues the dollars they earn and the quality of their lives.

As the President has repeatedly said, the best way for us to realize all those objectives is to fashion this health care reform in a truly bipartisan way. The bill we are marking up today in the HELP committee is not ready to be considered. We do not have the details of the bill. We do not know the costs of the bill—even though the President, within the last few days, has said that pay-as-you-go rule is important. If we are going to spend a dollar, he said, we ought to save a dollar. Or he might have said raise taxes a dollar. That is what the President said. So surely we are not going to mark up a bill or finish marking it up until we know exactly whether we are going to have to save a dollar or tax a dollar or how many dollars we will need to save or tax in order to pass the bill.

This we do know about the legislation our committee is considering. There are 47 million Americans uninsured today; it leaves 30 million of them still uninsured. We know that it expands one failing government program, Medicaid, and creates another, putting Washington in between you and your doctor. It reduces the ability of employers to give incentives for wellness and prevention—it doesn't increase it, it reduces it. It freezes 58 million low-income Americans into a Medicaid Program that offers sporadic, substandard care; is so expensive it will literally bankrupt States; and our Government Accountability Office has told us it wastes $1 for every $10 it spends—that is $32 billion a year, three-fourths as much as we spend on all the prescription drugs for senior Americans.

According to unbiased government officials, its additions to the national debt are astronomical. The Congressional Budget Office told us yesterday that the Kennedy bill, so far as it is written, will add $1 trillion to the debt over the next 10 years. That does not include the Medicaid expansion or the expansion of reimbursements for doctors seeing Medicaid patients. It does not include the government health insurance option. It doesn't include the employer mandate.

The Baucus bill, we are told, according to press reports, in the Finance Committee, may cost $1.5 trillion over the next 10 years and an independent study released yesterday says the Kennedy bill may mean $4 trillion. The National Governors Association says Medicaid itself will add a half trillion dollars to the State costs over the next 10 years if reimbursement rates are increased as they are proposed to be increased. This is on top of what the Washington Post said earlier this week is a set of proposals by the Obama administration that would add nearly three times as much to the national debt over the next 10 years as we spent in all of World War II.

This bill, I am sorry to say, is absolutely not a bipartisan bill. We are having a bipartisan discussion. We are all very friendly and civil to one another. CHRIS DODD is doing a tremendous job of sitting in for Senator KENNEDY. We all like him, but we know what a bipartisan bill is, it is when 15 or 20 of us from different sides of the aisle sit around a table and start from scratch and take our best ideas and put it together and get 60 or 70 or 75 votes for something. We have done it many times on energy, on intelligence, but we are not doing it on this. We were presented with a bill last Thursday, or some of a bill, and told: This is it. This is the way we are going to do it. We are going to have a lot of discussion about it but this is the way we should do it.

We should start over. If we start over based on the discussions we have already had, we should be able to agree that every American should be covered. We should be able to agree that it should be at a cost each American could afford. We should be able to agree that preexisting conditions do not disqualify you, and that prevention and wellness is encouraged. We should be able to agree that low-income individuals have the same choices, same opportunities for health insurance that the rest of us do. And we should be able

to agree that Americans should have choices.

On all of those things we ought to be able to agree, if we were starting from scratch. If we do all those things, why do we need to create a so-called government-run insurance plan? That is the big difference of opinion we have in the committee and I believe on the Senate floor. A government-run insurance plan inevitably leads to a Washington takeover, of which we are having far too many these days: Washington takeovers of banks, Washington takeovers of insurance companies, Washington takeovers of student loans, Washington takeover of car companies. Why do we need a Washington takeover of our health system? And why would a government-run insurance plan lead to a Washington takeover?

Think of it this way. It is like putting an elephant in a room with some mice and saying: All right, fellows, compete. I think you know what would happen. After a little while only the elephant would be left. The elephant would be your only choice.

We have a very good example of what that elephant would look like. We call it Medicare, a program that every State has, that the Federal Government pays 62 percent of and the State pays 38 percent, on the average, and it provides health care to low-income Americans, those who are not on Medicaid.

I would like to find a way to require every Senator who votes for expanding Medicaid coverage to be required to go home and serve as Governor of his or her home State for 8 years and try to manage and pay for a Medicaid Program that is expanded to meet the needs of what we are trying to do. The only way you could like the Medicaid Program is if you have been in Washington a long time and you don't have to manage it, you don't have to pay for it, and you don't have to get your health care from it.

Let me be very specific. The Medicaid Program—and I dealt with this for years as Governor myself—is filled with lawsuits. It is riddled with Federal court consent decrees from 25 years ago that restrict the ability of government and legislators to make improvements. It is filled with inefficiencies and delays that take a Governor a year to get permission from Washington to do something 38 other States are doing and, I mentioned, it has intolerable waste of taxpayer dollars. The General Accounting Office says $32 billion, every year, is wasted in the Medicaid Programs. That is 10 percent of all the money that is appropriated to it.

The second thing wrong with Medicaid, what a Senator who goes home to serve as Governor would find out, it would require higher State taxes at a time when States are making massive cuts in services and are very nearly bankrupt. The State of Tennessee, by my own calculations—I believe it would require a 10-percent new State income tax by the year 2015, if the Senate were to take the Kennedy bill and the Baucus draft and enact them today.

Why would it do that? The State director of Medicaid in our State says if we increase Medicaid coverage to 150 percent of the Federal poverty level, that costs the State of Tennessee $572 million. If the Federal Government pays for that, the bill for the Federal Government for that increase is $1.6 billion, just for the Tennesseans covered.

It would also increase the pay for Medicaid providers to 110 percent of what Medicare pays physicians. That would add another $600 million in Tennessee, because Tennessee's Medicaid pays physicians 70 percent of what Medicare pays physicians. And Medicare pays physicians 80 percent of what private companies pay physicians.

So the increased costs, just for Tennessee of the Medicaid expansion in the Kennedy bill, is $1.2 billion, according to our State Medicaid directors. If the Federal Government has to pay the whole thing, it is $3.5 billion.

But then they are talking in the Finance Committee about shifting those costs back after 5 years to the States. So here comes a $1.2 billion bill to whoever is Governor of Tennessee in 2015.

Last thing, to put this into perspective, they tried to pass an income tax in Tennessee. Today, a 4-percent income tax would produce $400 million a year. We are talking about finding $1.2 billion a year.

The National Governors Association said increasing the Federal poverty level to 150 percent would increase the cost to $360 billion over 10 years in all the States, and increases in Medicare reimbursement would bring that total to half a trillion in all of the States. That is on top of the trillion dollars that the Congressional Budget Office has said Senator KENNEDY's bill already costs.

One of the effects of this is it would absolutely destroy our public colleges and universities across the country. It is already damaging them, because Governors and legislators are finding they barely have enough money to keep up with increasing Medicaid costs. They have nothing left for colleges and universities. So the quality of the universities goes down and the tuition at the universities goes up.

Finally, Senators serving as a Governor of their home State trying to manage an expanded Medicaid Program would find that most of the people, maybe a majority, would find a hard time getting service. Today, 40 percent of doctors nationally do not provide full service to Medicaid patients because of the low reimbursement rates.

So any version of the bill we are now considering in the Senate HELP Committee will explode into complexity and astronomical spending and will never succeed.

There is a better way. There are several better ways. Instead of stuffing low-income Americans into one failing government health care program, Medicaid, that now provides substandard care and creating a new government-run program, why do we not give low-income Americans government grants or subsidies so they can purchase private insurance as is provided by the Wyden-Bennett bill, for example, which has a cost of zero to the taxpayers, according to the Congressional Budget Office; or the Coburn-Burr bill, or Senator GREGG's bill, or the bill that Senator HATCH is working on with Senator CORNYN and others.

Those are the ways to meet our objectives. So here are our objectives once more: We want to provide health coverage to 300 million Americans, not just to the 47 million uninsured. We want for you a health care plan that you can afford. We want for you a plan in which you and your doctor make the decisions, not Washington, DC. We want a plan that emphasizes prevention and wellness. We want a plan that gives low-income Americans more of the same opportunities and choices for health care that most Americans already have. And we want a plan that does not make it harder for American businesses to compete in the world marketplace by adding to their cost.

We want, in the end, a program, a health care program your grandchildren and your children can afford and does not heap trillions of dollars of new debt up on them, that devalues the dollar they will eventually earn, and the quality of their lives.

As the President has repeatedly said, the best way to do that is in a bipartisan way. But in order to do that, we need to put aside the bill we are working on today in the HELP Committee and start over again in a truly bipartisan way to meet those objectives.

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

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

The legislative clerk proceeded to call the roll.

Mr. SPECTER. 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.

JUDICIAL CONFIRMATIONS

Mr. SPECTER. Mr. President, I sought recognition to comment on the forthcoming proceedings on the confirmation of Judge Sotomayor for the Supreme Court of the United States.

Judge Sotomayor comes to this position with an extraordinary record. Her academic standing at Princeton was summa cum laude, a graduate of the Yale Law School where she was a member of the Yale Law Journal Board of Editors.

Then in her practice, she was an assistant district attorney in Manhattan, a position which gives very extensive experience in many facets of the law,

something I know in my own experience years ago as an assistant district attorney.

She was in private practice with a very prestigious New York law firm, then served on the U.S. District Court, and more recently on the Court of Appeals for the Second Circuit.

The hearings will give Judge Sotomayor an opportunity to respond to a number of issues which have been raised about her background. I think Chairman LEAHY was correct in moving the hearing dates so that the confirmation process could be concluded in time for Judge Sotomayor, if confirmed, to sit with the Court during September when the Court will decide what cases it will hear.

A great deal of the important work of the Supreme Court of the United States is decided on what cases they decide not to hear. And perhaps that in some ways is as important as the cases they do hear, the cases they do decide. It is during that period of time when the decision is made of a grant of certiorari with four Justices deciding which cases to hear where the presence of a new Justice could be very important.

Confirmation hearings at an early stage will give Judge Sotomayor an opportunity to respond to many questions which are highly publicized. It is a very noteworthy matter when a nominee is being considered for the Supreme Court. There is a lot of publicity, and some of it is controversial.

As a matter of fairness, the earlier a nominee can have an opportunity to respond to those issues—a question has been raised about her decision on the New Haven firefighters case. Well, the nuances of disparate impact do not lend themselves too well to brief newspaper articles nor sound bites on the talk shows. They are made for Supreme Court hearings.

Her decision on property rights following the Kelo decision has been subjected to certain comment. There again, the nuances require a hearing. Or her statement about ''a wise Latina woman'' has been widely commented upon. And there again, she ought to have an opportunity to speak to those issues.

There have been some questions raised about her decisions under the Second Amendment, membership in the Belizean Grove, and a lot of speculation. So let's bring on the hearings where there will be an opportunity for Judge Sotomayor to present her views.

Based on what I have studied in her opinions, an extensive meeting which I had with her, she is a powerful intellect and prospectively she is likely to be able to have good comments. But that is what the confirmation process is all about. So let's move forward on it to the July hearing dates so we can consider her nomination and she can have an opportunity to respond to those issues.

There have been contrary views about the value of confirmation hearings. There are some who say they have outlived their usefulness, pointing historically to the fact that prior to 1955 or thereabouts there were very few confirmation hearings, only when there was some extraordinary question.

In recent decades the confirmation hearings have been extensive. Having participated in some 11 of those confirmation hearings, it is my judgment that they are very worthwhile, from many points of view.

It presents an opportunity to have a public focus on the appropriate role of the Supreme Court, a lot of very major questions about the respective roles on the separation of powers between the courts and Congress, on fact finding, and on the record.

There are important questions on the relative authority of the executive versus the Court on the issues of detention, of habeas; important issues on the relative power of the Congress versus the executive, as exemplified by the conflict between the Foreign Intelligence Surveillance Act, and the powers of the President under article II of the Constitution as Commander in Chief.

There are also hearings where it is a public focus on a civics lesson as to what the Court does, and public attention is focused on the Court. My preference would be, as I have noted on legislation I have introduced, which has been passed out of the Judiciary Committee in prior congresses, to have the proceedings of the Supreme Court televised under certain circumstances. That has not yet been approved. But I think the day will come when the Supreme Court hearings will be televised. I think they could be televised without having showboating, and real insight by the public as to what happens at the Supreme Court of the United States, just as hearings of the House of Representatives and the Senate are televised.

There are a lot of quorum calls, but there are debates that go on here for the public to see, where very major matters of public policy are decided.

At least the confirmation hearings do bring the role of the Court into focused hearings, I think, to a very beneficial effect.

We had the hearings on Judge Bork widely commented upon, very extensive hearings on his writings, his view of original intent. There was an opportunity for the American people and the scholars to see what was involved.

There has grown a myth that in that proceeding, the nominee was ''Borked,'' turning his name into a verb. My own view is that is not so; that the decision made in rejecting the confirmation of Judge Bork turned on the record, turned on what happened in the Judiciary Committee proceedings. When we took a look at original intent, it was way outside the mainstream of constitutional law, way outside the constitutional continuum. If we look to what Congress intended in 1868, when the equal protection clause was passed in the 14th amendment in this Chamber, the galleries were segregated. African Americans were on one side and Caucasians were on another. So the intent of Senators certainly could not have been that equal protection meant integration. But after Brown v. Board of Education in 1954, there was no doubt equal protection did mean integration.

The confirmation proceedings of Chief Justice Rehnquist were very informative. Chief Justice Rehnquist had more than 30 votes cast against his nomination in 1986. The issue arose as to the adequacy of his answering questions as to the role of the Supreme Court contrasted with the role of Congress. Chief Justice Rehnquist had written an interesting article for the Harvard Law Record, back in 1959, when he was a young practicing attorney, criticizing the Senate for the confirmation hearings of Justice Whittaker, not asking probing questions about due process of law but only extolling Justice Whittaker's virtues because he represented both the State of Kansas and the State of Missouri, living in one State and practicing law in the other. When Chief Justice Rehnquist was asked questions about the authority of Congress to take away the jurisdiction of the Supreme Court, he answered, finally, that the Congress did not have the authority on first amendment issues but declined to answer about the fourth amendment, fifth, sixth or eighth or to answer a question as to why he would respond on the first amendment but not on others.

There are some issues which are so firmly established that they are outside the respected rule that we don't ask nominees to say how they will decide upon cases that might come before them. But where we deal with issues such as Marbury v. Madison or Brown v. Board of Education or the authority of the Congress to take away jurisdiction of the Supreme Court in derogation of Marbury v. Madison, there are questions which ought to be answered.

The confirmation hearings provide an opportunity to go into detail about the functioning of the Court. A few years ago, when the issue of judicial pay was before the Congress, a number of Senators were invited to confer with the Justices. It provided an opportunity for me to see the conference room. I had been a member of the bar of the Supreme Court, argued a few cases there but had never seen their conference room. Frankly, it was quite an eye-opener—a small room, plain table, modest chairs, very intimate, very austere, quite some insight as to how close the Justices are together. When we talk about diversity, how long it took to get an African American on the Court, Thurgood Marshall did not go to the Court until 1967. Justice Lewis Powell made a comment reportedly that just having Thurgood Marshall in the room made a difference in perspective. Surprising, perhaps scandalous, that it took until 1981 to have a woman

on the Supreme Court. Now there have only been two. When I was asked for recommendations for the current vacancy, I recommended four women. To say that a woman's point of view is different and valuable is trite. When I was elected to the Senate in 1980, Senator Kastenbaum was the only woman in the Chamber. Senator Hawkins was elected that year. Now we have 16 and growing. It has been a very great addition and improvement to the deliberations here to have more women. Another woman on the Supreme Court would be a plus there, if Judge Sotomayor is confirmed.

Also, the diversity on being a Hispanic is important. We live in a very diverse society. When one sees that small Supreme Court Chamber, they can see the intimacy and can almost visualize the intellectual discussions and the powerhouses in that room and how the big cases are decided, with the Court having the last word on life and death, a woman's right to choose, medicinal issues of attempted suicide, the death penalty in capital cases, all the cutting edge issues of our society.

The confirmation proceeding of Judge Sotomayor will give us an opportunity to inquire into some very important issues on executive versus judicial authority, on the authority of the Court versus the Congress. Toward that end, I wrote a letter to Judge Sotomayor, dated June 15. I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SPECTER. As I note in the opening paragraph, our so-called courtesy call lasted more than an hour. At that time, I commented to her that I would be writing on other subjects on which I intended to comment at her hearing. She responded she would be glad to have that advance notice. The issue I focus on in this letter involves the respective authority of the Congress contrasted with the Court on the establishment of a record to warrant legislation which Congress enacts. I noted I had written to Chief Justice Roberts in a similar vein back on August 8, 2005, in advance of his confirmation hearings. I take up in my letter to Judge Sotomayor the same issue I took up with Chief Justice Roberts; that is, decisions of the Supreme Court in invalidating congressional enactments, declaring them unconstitutional, because of what the Court says is an insufficient record.

I note the case of United States v. Morrison, which involved legislation to protect women against violence, where the Court was denigrating, disrespectful to Congress, where the Court said the congressional findings were rejected because of our ''method of reasoning,'' as if there is some unique quality which comes to the nominee at the time of confirmation in walking across the green between the hearing room and the Supreme Court chambers.

A dissent by Justice Souter noted that the Court's judgment was ''dependent upon a uniquely judicial conference,'' as if the competence of the Congress was to a lesser extent. Justice Souter commented, in disagreeing with Chief Justice Rehnquist, who said there was an insufficient record, that ''the mountain of data assembled by Congress included a record on gender bias from a task force of 21 States, eight separate reports by the Congress.''

There was a similar finding by the Supreme Court of the United States in the case of Alabama v. Garrett, where the Supreme Court decided there was an insufficient record to support the enactment of title I of the Americans with Disabilities Act, even though there had been task force hearings in every State attended by more than 30,000 people, including thousands who had experienced discrimination, with more than 300 examples of discrimination by State Governments. Notwithstanding that, the Supreme Court in Garrett said there was an insufficient record.

In dissent, Justice Scalia called the test of congruence and proportionality a flabby test, a test that was ''an invitation to judicial arbitrariness and policy-driven decisionmaking.''

When we look to a standard of congruence and proportionality, it is very vague. Sharp divergence from the standard that Justice Harlan articulated in Maryland v. Wirtz in 1968, whether there was a rational basis for the congressional decision. So that as Justice Scalia noted in his dissent in Tennessee v. lane, the standard of congruence and proportionality was flabby. Justice Scalia went on to say:

> Worse still, it casts this Court in the role of Congress's task master. Under it the courts—and ultimately, this Court—must regularly check Congress's homework to make sure that it has identified sufficient constitutional violations to make its remedy constitutional and proportional.

In the confirmation hearings of Chief Justice Roberts, he responded in a way very supportive of the role of Congress, where the Court should be deferential to the Congress. In response to a question by Senator DeWine, he said the Supreme Court ought to defer to congressional findings, and the answer will be in the RECORD with this letter.

In response to my questioning, Chief Justice Roberts said:

> And I appreciate very much the difference in institutional competence between the judiciary and the Congress, when it comes to basic questions of fact finding, development of a record and also the authority to make the policy decisions about how to act on the basis of a particular record. It is not just disagreement over a record. It is a question of whose job it is to make a determination based on the record. As a judge, that you are beginning to transgress into the area of making a law is when you are in a position of reevaluating legislative findings, because that doesn't look like a judicial function.

There, the Chief Justice comes to grips with the dominant role of the Congress that ought to be deferred to and says, when the court takes over, it is judicial lawmaking, which is something which is generally recognized to be in an area which ought not to be transgressed. ''Transgression'' is Chief Justice Roberts' word, that it is up to Congress to make the laws and up to the Court to interpret them.

In a hearing on the Voting Rights Act on April 29, 2009, Northwest Austin Municipal Utility District v. Holder, on the issue of the sufficiency of the record, here we have 16,000 pages of testimony, 21 different hearings, 10 months of action. Congress, in 2006, reauthorized the Voting Rights Act. In listening to the Supreme Court argument and reading the record—you cannot draw any conclusions totally—but it looks very much as if the Court may be on the verge of finding the record insufficient.

Chief Justice Roberts had this to say in the course of the argument on the Voting Rights Act:

> . . . one-twentieth of one percent of the submissions are not precleared. That, to me, suggests that they are sweeping far more broadly than they need to address the intentional discrimination under the Fifteenth Amendment.
>
> That's like the old elephant whistle. You know, I have this whistle to keep away the elephants. You know, well, that's silly. Well, there are no elephants, so it must work. I mean, if you have 99.98 percent of those being precleared, why isn't that reaching too broadly?

We will all be watching very closely to see what the Supreme Court of the United States does in the voting rights case and especially the opinion of Chief Justice Roberts, who has testified so emphatically at his confirmation hearing as to the role of the Congress being dominant, and it was, as he put it: ''. . . as a judge that you may be beginning to transgress into the area of making a law . . . ''

So those are issues which I am going to be addressing to Judge Sotomayor in the course of the confirmation hearings. I am not going to ask her how she is going to decide a case. That is outside the bounds. But I think it is fair to inquire as to what is the standard. Is it the Justice Harlan standard of rational basis or is it a standard of congruent and proportional—a standard which is of recent vintage in the City of Boerne v. Flores case, and having been applied in cases where it is very difficult to understand the conclusions of the Court, if you take Tennessee v. Lane, where one article of the Americans with Disabilities Act was upheld and contrast it with the Alabama v. Garrett case, where it was stricken.

Justice Scalia, in the argument of the voting rights case, took issue with the Congress on a 98-to-0 decision, suggesting if it is 98 to 0, it must not have been too carefully thought through.

It reminds me of the 98-to-0 vote Justice Scalia got on his confirmation and the many unanimous decisions of the

Supreme Court. I will ask to have printed in the RECORD a group of recent cases—10 or more—where Justice Scalia decided cases 9 to 0.

So if this legislative body—the Senate—votes 98 to 0 in favor of renewing the Voting Rights Act, relying upon the extensive record, which I have cited, that is not a sign of weakness. That is not a sign that the Senate does not know what it is doing with a 98-to-0 vote.

So the questions which I have posed for Judge Sotomayor are these:

First: Would you apply the Justice Harlan rational base standard or the congruent and proportionality standard?

Second: What are your views on Justice Scalia's characterization that the ''congruence and proportionality standard'' is a flabby test and an ''invitation to judicial arbitrariness and policy-driven decisionmaking,'' where Justice Scalia says that is the way for the courts to make law on a standard which is so vague?

Third: Do you agree with Chief Justice Rehnquist's conclusion that the Violence Against Women legislation was unconstitutional because of Congress's ''method of reasoning''?

And fourth: Do you agree with the division of constitutional authority between Congress and the Supreme Court as articulated by Chief Justice Roberts in his responses, cited in this letter, to questions posed at his hearing by Senator DeWine and myself?

I do believe there will be an opportunity for very important issues to be presented to the nominee. Based on what I have seen of her, in reviewing her record, and the meeting I had with her—I have noted her excellent resume—I am looking forward to giving her an opportunity to answer the many questions that have been raised in the press, where she will have more of an opportunity than to have a sound bite but to give commentary on her record in support of her nomination.

I ask unanimous consent to have printed in the RECORD the material to which I referred.

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

RECENT UNANIMOUS DECISIONS WITH OPINIONS AUTHORED BY JUSTICE SCALIA

Republic of Iraq v. Beaty,—S.Ct.—, 2009 WL 1576569 (2009).

Virginia v. Moore, 128 S.Ct. 1598 (2008).

Beck v. Pace Intern. Union, 551 U.S. 96 (2007).

U.S. ex rel Goodman v. Georgia, 546 U.S. 151 (2006).

U.S. v. Grubbs, 547 U.S. 90 (2006).

Domino's Pizza, Inc. v. McDonald, 546 U.S. 470 (2006).

Merck KGAA v. Integra Lifesciences I, Ltd., 545 U.S. 193 (2005).

Devenpeck v. Alford, 543 U.S. 146 (2004).

Norton v. Southern Utah Wilderness Alliance, 542 U.S. 55 (2004).

Barnhart v. Thomas, 540 U.S. 20 (2003).

Pacificare Health Systems, Inc. v. Book, 538 U.S. 401 (2003).

Mr. SPECTER. I thank the Chair and yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, June 15, 2009.

Hon. SONIA SOTOMAYOR,
The Department of Justice,
Washington, DC.

DEAR JUDGE SOTOMAYOR: When we concluded our meeting which lasted more than an Hour, I commented that I would be writing to you on other subjects which I intended to cover at your hearing, and I appreciated your response that you would welcome such advance notice.

In the confirmation hearing for Chief Justice Roberts, there was considerable discussion about the adequacy of congressional fact finding to support legislation. This issue is again before the Supreme Court on the reauthorization of the Voting Rights Act where the legislation is challenged on the ground that there is an insufficient factual record. At our hearing, I would uphold like your views on what legal standards you would apply in evaluating the adequacy of a Congressional record. In the 1968 case Maryland v. Wirtz, Justice Harlan's rationale would uphold an act of Congress where the legislature had a rational basis for reaching a regulatory scheme. In later cases, the Court has moved to a ''congruence and proportionality standard.''.

In advance of the hearing for Chief Justice Roberts by letter dated August 8, 2005. I wrote him in part:

''members of Congress are irate about the Court's denigrating and, really, disrespectful statements about Congress's competence. In U.S. v. Morrison, Chief Justice Rehnquist, speaking for five members of the Court, rejected Congressional findings because of ''our method of reasoning''. As the dissent noted, the Court's judgment is ''dependent upon a uniquely judicial competence'' which implicitly criticizes a lesser quality of Congressional competence.

In Morrison, there was an extensive record on evidence establishing the factual basis for enactment of the Violence Against Women legislation. In dissent. Justice Souter noted . . . the mountain of data assembled by Congress here showing the effects of violence against women on interstate commerce,'' and added:

''The record includes reports on gender bias from task forces in 21 states and we have the benefit of specific factual finding in eight separate reports issued by Congress and its committees over the long course leading to its enactment.''

In a subsequent letter to Chief Justice Roberts dated August 23, 2005, I wrote concerning Alabama v. Garrett where Title I of the Americans with Disabilities Act was based on task force field hearings in every state attended by more than 30,000 people including thousands who had experienced discrimination with roughly 300 examples of discrimination by state governments.

Notwithstanding those findings, the Garrett Court concluded in a five to four decision:

''The legislative record of the Americans with Disabilities Act, however, simply fails to show that Congress did in fact identify a pattern of irrational state discrimination in employment against the disabled.''

In another five to four decision, the Court in Lane v. Tennessee concluded Title II of the Americans with Disabilities Act met the ''congruence and proportionality standard''. There, Justice Scalia dissented attacking the ''congruence and proportionality standard'' calling it a ''flabby test'' and ''invitation to judicial arbitrariness and policy driven decision making'':

''Worse still, it casts this Court in the role of Congress's taskmaster. Under it, the courts (and ultimately this Court) must regularly check Congress's homework to make sure that it has identified sufficient constitutional violations to make its remedy constitutional and proportional. As a general matter, we are ill-advised to adopt or adhere to constitutional rules that bring us into conflict with a coequal branch of Government.''

During the confirmation hearing of Chief Justice Roberts, he testified extensively in favor of the Court's deferring to Congress on fact finding. In response to questions from Senator DeWine, he testified:

''. . . The reason that congressional fact finding and determination is important in these cases is because the courts recognize that they can't do that, Courts can't have, as you said, whatever it was, the 13 separate hearings before passing particular legislation. Courts—the Supreme Court can't sit and hear witness after witness after witness in a particular area and develop that kind of a record. Courts can't make the policy judgments about what type of legislation is necessary in light of the findings that are made''. . . 'We simply don't have the institutional expertise or the resources or the authority to engage in that type of a process. So that is sort of the basis for the deference to the fact finding that is made. It's institutional competence. The courts don't have it. Congress does. It's constitutional authority. It's not our job. It is your job. So the defense to congressional findings in this area has a solid basis.''

In response to my questioning, Chief Justice Roberts said:

''And I appreciate very much the differences in institutional competence between the judiciary and the Congress when it comes to basic questions of fact finding development of a record, and also the authority to make the policy decisions about how to act on the basic of a particular record. It's not just disagreement over a record. It's a question of whose job it is to make a determination based on the record' . . . as a judge that you may be beginning to transgress into the area of making a law is when you are in a position of re-evaluating legislative findings, because that doesn't look like a judicial function.''

The Supreme Court heard oral argument in Northwest Austin Municipal Utility District v. Holder on April 29, 2009 involving the sufficiency of the Congressional record on reauthorizing the Voting Rights Act. While too much cannot he read into comments by justices at oral argument, Chief Justice Roberts' statements suggested a very different attitude on deference to Congressional fact finding than he expressed at his confirmation hearing. Referring to the argument that ''. . . action under Section 5 has to be congruent and proportional to what it's trying to remedy,'' Justice Roberts said that:

''. . . one-twentieth of 1 percent of the submissions are not precleared. That, to me, suggests that they are sweeping far more broadly than they need to, to address the intentional discrimination under the Fifteenth Amendment.''

Chief Justice Roberts went to say:

''Well, that's like the old—you know, it's the elephant whistle. You know, I have this whistle to keep away the elephants. You know, well, that's silly. well, there are no elephants, so it must work. I mean if you have 99.98 percent of these being precleared, why isn't that reaching far too broadly.''

As a factual basis for the 2007 Voting rights Act, Congress heard from dozens of witnesses over ten months in 21 different hearings. Applying the approach from Chief Justice Roberts' confirmation hearing, that would appear to satisfy the ''congruence and proportionality standard''.

My questions are:

1. Would you apply the Justice Harlan ''rational basis'' standard or the ''congruence and proportionality standard''?

2. What are your views on Justice Scalia's characterization that the ''congruence and proportionality standard'' is a ''flabby test'' and ''an invitation to judicial arbitrariness and policy driven decision making''?

3. Do you agree with Chief Justice Rehnquist's conclusion that the Violence Against Women legislation was unconstitutional because of Congress's ''method of reasoning''?

4. Do you agree with the division of constitutional authority between Congress and the Supreme Court articulated by Chief Justice Roberts in his responses cited in this letter to questions posed at his hearing by Senator DeWine and me?

Sincerely,

ARLEN SPECTER.

The PRESIDING OFFICER. The Senator from Tennessee.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. CORKER pertaining to the introduction of S. 1280 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

APPROPRIATIONS

Mr. CORKER. Mr. President, I would like to mention one other issue in closing. A large number of Senators signed a letter to the leader asking that we do our business in a very thoughtful way as it relates to appropriations. Each year we find ourselves in a position where we end up with an omnibus bill that most of us feel very uncomfortable signing into law.

We ask that the appropriations bills be passed in such a manner that we have eight of them passed individually by the August recess.

I know, today, we are stuck on a bill, and I realize there is some stalling that is taking place. I have to question why we are focused on a tourism bill today when we still have not begun our appropriations process.

So I will say to the leader, I hope he will move on with doing the appropriations in an appropriate order so, as I have mentioned, we will have at least eight of those passed by the recess so we can do our citizens' work in the most appropriate manner.

Mr. President, I yield the floor and thank you for the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak in morning business.

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

HONORING OUR ARMED FORCES

ARMY SPECIALIST CHRISTOPHER KURTH

Mr. UDALL of New Mexico. Mr. President, I rise to honor a proud son of Alamogordo, NM. Army SPC Chris Kurth died on Thursday, June 4, after his vehicle was struck by an antitank grenade. He was 23 years old.

In Iraq, Chris was responsible for escorting convoys. But this job description conveys none of the risk or the courage involved in the job. The military can secure a town or a base, but somebody must still travel the roads that cannot be secured. Christopher Kurth was responsible for undertaking this act of courage.

Chris knew how dangerous his job could be when he began his last mission. He was on his second tour of duty, and he had just recovered from a neck wound that won him a Purple Heart. But for Chris, success was defined by keeping his fellow soldiers safe. And that is what he died fighting to do.

The values reflected in this duty are as important in peace as they are in war. His job was to protect his fellow soldiers—to be a good friend in the most difficult of times. By serving them, he served his country.

The characteristics that made Chris Kurth a good soldier also made him a good friend when he was back in Alamogordo. They made him a good teacher when he volunteered to tell students at his former high school about his life as a soldier. They made him a loving—and loved—son, brother, and husband.

Chris Kurth lost his life keeping American soldiers safe. He was a proud soldier and a good man.

My thoughts are with Chris's parents, with his wife, and with all those who knew and loved him. I ask you to join me today in remembering his service.

NAVAJO CODE TALKERS

Mr. UDALL of New Mexico. Mr. President, I rise to mark a solemn moment for the Navajo Nation and for our country.

In the past month, three of America's veterans passed away: Willie Begay, Thomas Claw, and John Brown, Jr. These men were members of the small group of marines known as the Navajo Code Talkers. Their story is one of the most compelling in American military history.

In May of 1942, 29 Navajo Indians arrived at Camp Pendleton in California. They were there to develop a code that could be deployed easily and would not be cracked by Japanese cryptographers.

Over the course of the war, the original 29 became a team of roughly 400 Navajos responsible for building and using their code. Their success in that mission helped the Marines capture Iwo Jima. It contributed to the American victory, and it saved untold numbers of allied soldiers.

As most World War II veterans were returning home with stories of courage and victory, the Navajo Code Talkers were ordered to keep their story secret. Their mission was classified. Only in 1968 was it revealed to the world. And only in 2001 did these men finally receive the recognition they deserved when they were presented with Congressional Medals.

It is often said that America's diversity makes her strong. During World War II, this country's cultural diversity contributed to America's military strength in a very real and concrete way. Because the Navajo language had survived and it had been passed down, Americans had a code that the Japanese were never able to crack—a weapon they could not counter.

America is unique among the countries of the world. Almost every other country on Earth finds its sense of solidarity in a common race and a common culture. Even countries as diverse as our own trace their heritage to some imagined community older than their political institutions. Our Nation has always defined itself by its ideals, not by race or culture. Although we have not always lived up to this vision of a truly multicultural democracy, it has guided our development and spurred our progress.

When the Navajo Code Talkers first arrived at Camp Pendleton, there were those who considered them less than fully equal. U.S. law had only acknowledged Native Americans as citizens for 17 years when our country entered World War II. Many of the code talkers were born as noncitizens in a land that had belonged to their people before the Europeans knew it existed. Yet 45,000 of 350,000 Native Americans in this country served in the Armed Forces during that conflict, including 400 Navajo Code Talkers.

The Native Americans who signed up to serve this country in the Armed Forces were sending a message that they, just as much as anyone else, were citizens of the United States of America, their people were just as much a part of this country's cultural tapestry as any other.

In the Navajo code, the word for America was ''our mother.'' As one code talker has explained:

> ''Our Mother'' stood for freedom—our religion—our ways of life. And that's why we went in.

The Navajo marines identified their culture with their country. When they fought, they fought for both. In fact, values integral to the Navajo experience spurred them to fight in America's war against tyranny. As Americans who faced bigotry and injustice, they eagerly signed on to free others from oppression. As individuals who had lived with the legacy of aggression against their people, they felt keenly the need to prevent other acts of aggression, even if these acts were being perpetrated on the other side of the world.

The passing of the three code talkers—thousands of miles and dozens of years from the events that made them heroes—should make us all remember the great patriotism and honor all the code talkers displayed. It should make

us appreciate their work and honor their memory, and it should make us proud to live in a country where such things are possible.

As time does the work Japanese guns could never do, the code talkers are slowly leaving us. Only 80 of the original 400 remain with us. Too soon, these men will live only in our memories. Let's keep those memories strong, lest we lose the inspiration they can offer.

To Willie Begay, Thomas Claw, and John Brown, Jr., we honor your lives and mourn your passing. To all of the code talkers, alive and beyond, we celebrate your service. Whenever stories of courage and patriotism are told, we will think of you.

Thank you, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. 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. BURRIS. Mr. President, I wish to speak on two different issues in morning business.

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

COMMUNITY REHABILITATION

Mr. BURRIS. Mr. President, I rise today to applaud Senator LINCOLN and Senator SNOWE for their leadership and commitment in introducing S. 1222. This legislation would revise and extend existing empowerment zone, renewal community, and enterprise community rules. It seeks to make these programs more effective and ensure that the incentives work as intended. I am proud to be a cosponsor of this important measure.

Congress created empowerment zones, renewal communities, and enterprise communities to spur economic growth and create job opportunities. Cities such as East St. Louis and Chicago, IL, have received tax incentives worth $5.3 billion. These incentives encourage businesses to open or expand and to hire local residents. They include employment credits, low-interest loans, reduced taxation on capital gains, and other incentives.

Unfortunately, some of the programs have not operated as intended. A few major hurdles have prevented full utilization of the tax benefits available. These incentives desperately need to be refined and extended. That is exactly what this legislation would do, and that is why it is so important for the Senate to act without delay.

Empowerment zones such as the one in East St. Louis, IL, focus on grassroots, sustainable progress. They create a bond between businesses, employees, and surrounding communities. Despite receiving only one-fourth of anticipated Federal funding, they have found aspiring entrepreneurs to expand and develop local businesses, using a creative array of tax incentives and loans.

This legislation is an important step toward reversing the blight faced by our inner cities without gentrifying these areas or shutting out the community members who need our help the most. Senator LINCOLN and Senator SNOWE deserve our utmost support in their fight to rehabilitate these communities. I am proud to cosponsor this legislation, and I urge my colleagues to join with me in this effort.

ECONOMIC RECOVERY

Mr. BURRIS. Mr. President, as I address this Chamber today, our country remains in the grips of the worst economic disaster since the Great Depression. We have all felt its devastating effects. In the last half century, it has never been harder for working Americans to make ends meet. But finally we are beginning to see indications that the worst may be behind us. The economy is still shedding jobs but at a slower rate. Business is starting to pick up again for some—not all but for some. The American Recovery and Reinvestment Act has started to take hold, and at long last some people are beginning to feel more hopeful.

But as the tide rises for some communities, others continue to slip further and further behind. In a troubling new report, the unemployment rate among African Americans has risen to 14.9 percent—up 6 points since 2007. Everyone is hurting, but this is an alarming sign that some groups are still hurting more than others. While one in five White teens is without a job, two in five African-American teens are unemployed, along with one in three Hispanic teens. The overall share of African Americans with jobs has reached its lowest point since 1986.

As we begin to emerge from the worst of this economic crisis, we must not forget that there is still a long way to go for many Americans. In our rush to get this economy back on track, we need to make sure we don't leave certain communities behind. This means increasing the amount of capital available to employers, helping put Americans back to work, and protecting small businesses.

As a former banker who worked hard to secure loans for small businesses, I have a deep understanding of the role these companies play in creating jobs and helping the economy to grow.

I know how crucial it is to provide immediate relief, as well as lasting support. That is why I applaud President Obama's recent call to speed up the disbursal of stimulus funds. This would save or create roughly 600,000 jobs in the next 3 months alone.

This will not be an easy task, but it is necessary to strengthen America's small business, put people back to work, and restore economic security. But as we rush to provide aid to the American people, we need to make sure the stimulus funds are targeted effectively. That is why oversight is critical.

As billions of dollars flow from the Federal Government to the State treasuries, transparency will help keep State and Federal officials accountable for every dollar spent in the name of economic recovery.

If done right, this will ensure that everyone can share in the promise and prosperity of a revitalized economy. That is why I introduced S. 1064, a bill that will set aside small amounts of stimulus money to pay for regulation and oversight.

These costs are currently unfunded, leaving the American people with only vague assurances that their money will be used effectively.

Mr. President, this is simply not good enough. We need to protect the interests of the American taxpayers and ensure that every dollar can be tracked.

I ask my colleagues to join with me in the fight for accountability. I thank my good friends, Chairman LIEBERMAN, Ranking Member COLLINS, and Senator MCCASKILL for signing on to cosponsor this bill.

As the economy begins to improve for some Americans, let's make sure millions of others are not left behind.

We need to lift the least fortunate among us and ensure every American has an equal chance to benefit from our continued economic recovery.

As one of our former distinguished Vice Presidents, Hubert Humphrey, famously said:

> The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

It is time to renew our commitment to the communities that are hurting the most, and as we work to increase transparency and speed up the responsible use of the stimulus funds, we need to make sure no one is left behind.

Mr. President, again, we need to make sure no one is left behind.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. JOHANNS. Mr. President, as the rhetoric over health care reform starts to heat up—and, of course, it has—I find myself trying to determine exactly what we are trying to accomplish with this debate. Are we attempting to put together what I think is the right

approach—a bipartisan solution to a problem that is affecting every American family and business—or are we caught up in pushing something through this body with little deliberation and little regard for the consequences of our hurried action? And the consequences are great.

I fear we are leaning toward the latter statement, based upon the time limits and the rush in the committees charged with producing very complex health care legislation. I do not envy them their task. I would argue that it is more important to craft a very good, very solid bill that actually will solve the problem instead of forcing a not-well-thought-out, half-analyzed bill onto the backs of the American people. What we do in this arena will affect every American. I believe our constituents deserve so much more from us, and we should think twice before we proceed down a path that is wrong.

The American people deserve to know the truth about what is included in the bills that are being considered. They have a right to know how this will affect the long-term health not only of their families but of the Nation. Of course, in that arena, they need to know the long-term health of this Nation, both physically and financially.

We can find many points of agreement on how to reform our health care system. I have heard countless speeches about the need to eliminate waste and fraud and abuse—and it does exist in this system. Many agree we should use technology to eliminate administrative costs and to eliminate errors. There is much talk about the need to enhance transparency within the system, as well as the need to increase health and wellness efforts to lead to a healthier society. I have heard the valid points made about needing to stem the rising cost of health care and bending the health care cost curve. These are easy areas to agree. I think there is a middle ground, and I think we should all be standing upon it when we are viewing health care reform.

However, I am disappointed by the recent health care proposal emanating from the HELP Committee—the Affordable Health Choices Act. The legislation does not seem to capture the spirit of the bipartisan effort the President indicated he wanted to have in order to accomplish this important task. Instead, the Affordable Health Choices Act is just another government takeover of the health care system. This is not the health care reform that Americans have asked for, in my opinion.

Americans have been promised some things already. They have been promised that everyone will receive health care; that they would get to keep their insurance, if they like it; and the government will be responsible and act responsibly in using taxpayer dollars. Unfortunately, the current legislation simply doesn't live up to the promises.

In fact, the legislation has a number of proposals that not only don't live up to the promises, they directly contradict those promises. For example, the report by the Congressional Budget Office states that 15 million Americans who currently have employer-sponsored insurance will lose that coverage under this proposal. I can rise today and very safely say this isn't a talking point that came off of somebody's sheet. This is actually an analysis done by a body that we all rely upon—the Congressional Budget Office.

These numbers are likely to increase as soon as the figures for the government-run public plan are included. After all, the Lewin Group—which does research in this area—has issued a forecast that a public plan would probably cause 119 million people who have employer-provided health insurance to shift over to the public plan.

So let's take a moment to recap. The administration's promise: Citizens will get to keep their employer-provided health insurance, if they choose. Reality: CBO says 15 million people will be displaced from that coverage. Reality: The Lewin Group, in its estimate, says that could climb to 119 million Americans dumped from their private insurance onto a government system.

Furthermore, CBO indicated that about 39 million individuals would receive coverage through the government insurance exchange. That is the concept in this complex legislation. However, after you factor in those who would lose their employer-based coverage and those who would switch from other government programs, we are actually only bringing 16 million currently uninsured people into the fold. In other words, our country would still have an uninsured rate—after spending over $1 trillion—of 13 percent when the bill is fully implemented.

The administration promised coverage for all. Reality: CBO estimates 13 percent uninsured Americans. That is millions of Americans still not having access to health care in any meaningful way.

Some do claim the analysis doesn't reflect the full proposal. They will make the case that the final report will show that more of the uninsured will, in fact, be covered. However, this proposal is already estimated to cost $1 trillion over 10 years—a huge pricetag. Not surprisingly, this pricetag is expected to increase. Spending this kind of money to only insure 16 million people should be disappointing to everybody—disappointing to every American. Just when our economy is trying to achieve some equilibrium, slamming it with these kinds of costs for these few results I don't believe is even a good-faith effort on our part.

I believe everyone wants to solve these complex health care challenges, but I think it is so important to be thoughtful, careful, and to take a moment to step back and take a deep breath. It makes no sense from a policy standpoint to rush these enormously complex decisions with unbelievable results just to finish by the August recess. It doesn't make any sense. We are talking, Mr. President, about people's health care. We are talking about the health and safety of their families. As the adage goes: It is better to invest the time to get it right the first time instead of getting it wrong expeditiously.

We need to get back to a middle ground and follow through on the promises that have already been made to provide real health care reform—sustainable health care reform. The American people deserve a thorough, bipartisan debate on health care, not a rushed, ill-advised piecemeal approach to an enormously serious problem. I hope we have that opportunity because this is too important to get wrong.

Mr. President, I appreciate the opportunity to offer my thoughts. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). 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.

Mr. DURBIN. I ask consent to speak as in morning business.

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

Mr. DURBIN. Mr. President, as we meet on the floor of the Senate, we are deliberating a bill about promoting tourism in America, which turns out to be a way to increase economic activity, create some business activity, keep people in their jobs, and maybe attract folks from overseas to see this beautiful land of ours. We are now in a procedural holding pattern. The minority party has asked us to wait 30 hours before we talk about it. It is unfortunate because we are prepared to go and are ready and we have a lot of things to do, but the rules of the Senate are available for them as for us, and they are utilizing them now to delay and stop action on this bill which is very routine, bipartisan, and enjoyed the support of over 90 Senators when it was called yesterday on a procedural vote.

In the meantime, as we are waiting on the floor for the Republicans to give us permission to go forward, the committees are at work. I left the Judiciary Committee where the Presiding Officer is also a member, with the Attorney General, where we spoke about some critical issues.

Right across the hall from us is the Finance Committee, and they are debating the future of health care in America, and that is a debate which we are all following very closely.

It is clearly time for us to acknowledge the obvious. Although we have some of the best hospitals and doctors in the world, the fact is the cost of health care in America is spinning out of control and if we do not have the political will and courage to step up at

this moment in time and address that, it is going to get much worse. People will find that there will be more uninsured people, people with health insurance that is not worth much, and that the cost of what you can buy will be so expensive that average people cannot afford it. You will find, if we do not do something, that health insurance companies will continue to exclude people because of preexisting conditions, continue to argue incessantly with doctors over what the right procedure will be. We will find unfortunately that there will be a situation where we do not have the chance to utilize the very best health care in this country for needed procedures.

Many Senators say: I have listened to that but count me out. I have a great health insurance plan. I don't need to be part of your debate.

What President Obama has said and what we have said in Congress is: OK, we accept that. If you have health insurance that you like, that you want to keep, you can keep it. There will not be any change. But if you happen to be one of those Americans who think they can do better for something more affordable or, sadly, if you are one of the 48 million Americans with no health insurance, for you, we think we have to change some of the ways we do business in this country.

One of the key elements here, as I mentioned already, is what to do with 48 million uninsured. If these uninsured people had their own health insurance, it would be a benefit to all the rest of us who happen to have health insurance.

Some of these political commentators like to write that Members of the Senate have some special health insurance plans. We are fortunate to have one of the best in the world, but it is the same plan Federal employees have across America. Eight million Federal employees and their families, and Members of Congress who opt to buy into it, have a wonderful plan. I am lucky; my wife and I are very fortunate to have that kind of coverage. But for a lot of people, they don't have that kind of luxury. Once each year, I can choose from nine different health insurance plans that sell to Federal employees who live in the State of Illinois. That is quite a good deal. If I don't like the way I was treated last year by my health insurance company, I can change. It is like buying a car; I have a lot of places to shop and look. But most Americans don't have that. Most Americans do not have the option of looking for health insurance, and if they do, they cannot afford it. If you have to pay for it out of pocket, you may find yourself unable, and small businesses which want to provide health insurance, not only for the owners but the workers, say: It is just too darned expensive, we cannot afford to do it.

That is why 48 million Americans—not the poorest because we cover them with Medicaid, and not those lucky enough to have health insurance, but those smack-dab in the middle who get up and work every day at businesses, maybe businesses they own, and do not have health insurance. One out of four realtors in America has no health insurance. You don't think of that, but it is a fact. So we work with them to try to come up with an approach—that is now being debated by the Finance Committee—to have small businesses and self-employed people have a chance to buy health insurance just like Federal employees can buy health insurance.

But we really have to get to the bottom line of this issue. It is not enough to just say we are going to cover 48 million Americans currently not covered. That is important because uninsured people who show up at the hospital in America today are not turned away, they are treated. Who pays for them if they cannot pay for themselves? The rest of us—taxpayers and people with health insurance. It is estimated that the average family pays an additional $1,000 a year—almost $100 a month—for coverage for uninsured people. We are picking up their health expenses because they do not have health insurance. That is a hidden tax. So when we talk about the cost of health care reform, there is a real cost of doing nothing—about $1,000 a year out-of-pocket for most American families.

We need to move on to the tougher issue, and this is the one debated at length here on the floor. The bottom line here is the cost of medical care. We spend twice as much as any other nation on Earth for medical care for our citizens. Sadly, we do not have the results to show for it. If you look at the basic health indicators, many countries that spend far less per person than the United States have much better outcomes. You wonder, why is that the case? We have the best hospitals, we have the best doctors, we have all the technology, all the drug companies. Why are we not the healthiest people in the world?

Some of it is our own fault. When you look at the chronic conditions that cost so much in our health care system, it is the choice of the person who decides, I am going to keep smoking cigarettes. That is a terrible choice. It can lead to sickness and disease and even death, and that is a lifestyle choice people should not make, and they do and we pay dearly for it.

Other people do not watch their diets closely. I am certainly no one to preach on that. But when we suffer from obesity in this country, people end up in the hospital and end up in doctors' offices 10 times more frequently than people who are not obese. Diabetes comes from that, high cholesterol, high blood pressure, heart problems—all these can be managed with lifestyle choices and preventive medicine, which we do not focus on in America today, so we need to do more of that.

But the other element is we need to have buy-in from doctors and hospitals and medical professionals to bring down the cost of health care.

There is a widely read article which has been referred to over and over, worth repeating, published by a doctor who is a surgeon in Boston. His name is Atul Gawande. The article was published in the New Yorker on June 1. I commend it to everyone following this debate because most Members of Congress are reading it closely. Dr. Gawande went to McAllen, TX, and wanted to know why the average cost for a Medicare patient treatment in that town was $15,000 a year while the average cost in El Paso—and Chicago, I might add—was right at $10,000 a year. Why did it cost 50 percent more to treat a Medicare patient in McAllen, TX? He took a look and sat down with doctors, and being a surgeon he knew what questions to ask.

The first response was: Defensive medicine. We have to order extra tests because those lawyers will sue us.

Another Doctor said: You know that is not true, Texas has the toughest medical malpractice law in America, limiting pain and suffering awards to $250,000.

This doctor went on to say: Nobody is suing us around here. It is not about defensive medicine. If it is, it is a tiny part of it.

What it turns out is many of the doctors in that community, and hospitals, are ordering more procedures than are needed. If you are a patient or the parent of a patient, you are not going to question it when a doctor says: I think we need an MRI. Are you going to say: Doctor, are you sure we need an MRI? You trust his judgment, and that judgment, unfortunately, can be very expensive because the doctors in that town are motivated by more procedures, more billing, more money, more profit. That is the wrong motivation. The motivation should be a healthy patient, a good medical outcome.

Dr. Gawande contrasted McAllen, TX, with the Mayo Clinic, a fantastic medical resource in Rochester, MN. It treated members of my family, and it is one of the best in the Nation. The Mayo Clinic hires the best doctors they can find and pays them by salary. They are not paid by patient or how much they bill. So these salaried doctors are looking for good outcomes. They don't want to order anything more than a patient needs. They want to get a good outcome. Think of the difference in motivation between the doctors in McAllen, TX, and the doctors in Rochester, MN.

The Congressional Budget Office sent a report to us yesterday, and it says if you really want to reduce the costs of health care in America, you have to get to the question of reimbursement. When you talk about that, you will get everybody at the American Medical Association on their feet, shaking their fists, saying if you cut back on compensation and reimbursement for doctors, fewer people will go into the profession, you will not be able to get the

best procedures—you understand what they are going to say. I have heard it. Many of us have heard it. But we have to find a good way to approach this. We have to bring down the rising cost of health care in this country.

One of the suggestions is that in addition to private health insurance companies offering health insurance, we have a public option, that we have a plan that really is not motivated by profit, whether it is a government-sponsored plan like Medicare or whether it is some other plan, a cooperative, which Senator CONRAD has proposed, that really says: Let's take the profit out of it and see if we can move toward the best health care outcomes and reduce the costs of health insurance so we get a good medical outcome at a reasonable cost.

Some have come to the floor and criticized that idea. I think they are wrong. I think if you look at the Medicare system, 45 years after we enacted it, it has been an unqualified success. Just look at how long seniors are living because they have good medical care after they reach the age of 65. It is not a question of whether you are rich or poor.

I run into people in my State of Illinois—a woman, a Realtor who said to me in Harrisburg, IL: Senator, I want you to meet me. She said: I am 64 years old. I have never had health insurance 1 day in my life.

I could not believe that. But she said: Next year I am 65. I am going to have Medicare. And finally I can breathe a little easier knowing that the savings I have put together are not going to be wiped out with one trip to the doctor.

So we understand that Medicare has worked. And it has created quality care and good outcomes. We also know the Veterans' Administration, another government health insurance approach for the men and women who served our country, whom we honor with a medical system that is there for them, provides some of the best care in our country.

We need to find a way to work out these differences. Believe me, at the end of the day there will always be a reason to do nothing. There will be political risk in doing something. But the American people have to stick with us in this debate and understand that if we do not address the fundamental issue, it is not just a question of whether we will have deficits as far as the eye can see from medical costs or a program going through the roof, it is a question of whether we will all have peace of mind of health insurance protection for ourselves and our families that makes sure we have something we can afford, based on quality that will provide the kind of health care we need. It all comes around. Every family faces it. And when that day comes, we want to make sure we have done our part. This year, President Obama has challenged us, though we are sitting idly on the floor today doing virtually nothing except giving speeches. He has told us: Do not go home this year without health care reform.

He is right. It is time to roll up our sleeves and get that done.

I ask unanimous consent that an article from the New York Times on June 17, this morning, by David Leonhardt entitled ''Health Care Rationing Rhetoric Overlooks Reality'' be printed in the RECORD.

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

[From the New York Times, June 17, 2009]

HEALTH CARE RATIONING RHETORIC OVERLOOKS REALITY

(By David Leonhardt)

Rationing.

More to the point: Rationing!

As in: Wait, are you talking about rationing medical care? Access to medical care is a fundamental right. And rationing sounds like something out of the Soviet Union. Or at least Canada.

The r-word has become a rejoinder to anyone who says that this country must reduce its runaway health spending, especially anyone who favors cutting back on treatments that don't have scientific evidence behind them. You can expect to hear a lot more about rationing as health care becomes the dominant issue in Washington this summer.

Today, I want to try to explain why the case against rationing isn't really a substantive argument. It's a clever set of buzzwords that tries to hide the fact that societies must make choices.

In truth, rationing is an inescapable part of economic life. It is the process of allocating scarce resources. Even in the United States, the richest society in human history, we are constantly rationing. We ration spots in good public high schools. We ration lakefront homes. We ration the best cuts of steak and wild-caught salmon.

Health care, I realize, seems as if it should be different. But it isn't. Already, we cannot afford every form of medical care that we might like. So we ration.

We spend billions of dollars on operations, tests and drugs that haven't been proved to make people healthier. Yet we have not spent the money to install computerized medical records—and we suffer more medical errors than many other countries.

We underpay primary care doctors, relative to specialists, and they keep us stewing in waiting rooms while they try to see as many patients as possible. We don't reimburse different specialists for time spent collaborating with one another, and many hard-to-diagnose conditions go untreated. We don't pay nurses to counsel people on how to improve their diets or remember to take their pills, and manageable cases of diabetes and heart disease become fatal.

''Just because there isn't some government agency specifically telling you which treatments you can have based on cost-effectiveness,'' as Dr. Mark McClellan, head of Medicare in the Bush administration, says, ''that doesn't mean you aren't getting some treatments.''

Milton Friedman's beloved line is a good way to frame the issue: There is no such thing as a free lunch. The choice isn't between rationing and not rationing. It's between rationing well and rationing badly. Given that the United States devotes far more of its economy to health care than other rich countries, and gets worse results by many measures, it's hard to argue that we are now rationing very rationally.

On Wednesday, a bipartisan panel led by four former Senate majority leaders—Howard Baker, Tom Daschle, Bob Dole and George Mitchell—will release a solid proposal for health care reform. Among other things, it would call on the federal government to do more research on which treatments actually work. An ''independent health care council'' would also be established, charged with helping the government avoid unnecessary health costs. The Obama administration supports a similar approach.

And connecting the dots is easy enough. Armed with better information, Medicare could pay more for effective treatments—and no longer pay quite so much for health care that doesn't make people healthier.

Mr. Baker, Mr. Daschle, Mr. Dole and Mr. Mitchell: I accuse you of rationing.

There are three main ways that the health care system already imposes rationing on us. The first is the most counterintuitive, because it doesn't involve denying medical care. It involves denying just about everything else.

The rapid rise in medical costs has put many employers in a tough spot. They have had to pay much higher insurance premiums, which have increased their labor costs. To make up for these increases, many have given meager pay raises.

This tradeoff is often explicit during contract negotiations between a company and a labor union. For nonunionized workers, the tradeoff tends to be invisible. It happens behind closed doors in the human resources department. But it still happens.

Research by Katherine Baicker and Amitabh Chandra of Harvard has found that, on average, a 10 percent increase in health premiums leads to a 2.3 percent decline in inflation-adjusted pay. Victor Fuchs, a Stanford economist, and Ezekiel Emanuel, an oncologist now in the Obama administration, published an article in The Journal of the American Medical Association last year that nicely captured the tradeoff. When health costs have grown fastest over the last two decades, they wrote, wages have grown slowest, and vice versa.

So when middle-class families complain about being stretched thin, they're really complaining about rationing. Our expensive, inefficient health care system is eating up money that could otherwise pay for a mortgage, a car, a vacation or college tuition.

The second kind of rationing involves the uninsured. The high cost of care means that some employers can't afford to offer health insurance and still pay a competitive wage. Those high costs mean that individuals can't buy insurance on their own.

The uninsured still receive some health care, obviously. But they get less care, and worse care, than they need. The Institute of Medicine has estimated that 18,000 people died in 2000 because they lacked insurance. By 2006, the number had risen to 22,000, according to the Urban Institute.

The final form of rationing is the one I described near the beginning of this column: the failure to provide certain types of care, even to people with health insurance. Doctors are generally not paid to do the blocking and tackling of medicine: collaboration, probing conversations with patients, small steps that avoid medical errors. Many doctors still do such things, out of professional pride. But the full medical system doesn't do nearly enough.

That's rationing—and it has real consequences.

In Australia, 81 percent of primary care doctors have set up a way for their patients to get after-hours care, according to the Commonwealth Fund. In the United States, only 40 percent have. Overall, the survival rates for many diseases in this country are no better than they are in countries that spend far less on health care. People here are

less likely to have long-term survival after colorectal cancer, childhood leukemia or a kidney transplant than they are in Canada—that bastion of rationing.

None of this means that reducing health costs will be easy. The comparative-effectiveness research favored by the former Senate majority leaders and the White House has inspired opposition from some doctors, members of Congress and patient groups. Certainly, the critics are right to demand that the research be done carefully. It should examine different forms of a disease and, ideally, various subpopulations who have the disease. Just as important, scientists—not political appointees or Congress—should be in charge of the research.

But flat-out opposition to comparative effectiveness is, in the end, opposition to making good choices. And all the noise about rationing is not really a courageous stand against less medical care. It's a utopian stand against better medical care.

Mr. DURBIN. 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.

Ms. COLLINS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to speak as in morning business for 15 minutes.

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

FINANCIAL REGULATORY REFORM

Ms. COLLINS. Madam President, moments from now, President Obama will unveil his administration's long-awaited proposal to restructure and reform our Nation's financial regulatory system. I wish to take a few minutes to share my initial reactions to some of the most important features in the President's plan.

At the outset, let me say the President and his financial team deserve considerable credit for tackling this critical issue. It is important that all of us recognize how critical Federal financial regulatory reform is and that we not put this issue off until some distant future. When the present crisis is behind us—something we all hope will be sooner rather than later—other issues will demand our attention and calls for reform, I fear, will begin to fade. If that happens, our financial system would remain flawed, and these flaws must be corrected or they will emerge, once again, in the future to threaten our prosperity and to imperil financial markets.

In several aspects, the President's financial reform proposal parallels legislation I introduced in March to fundamentally transform our Nation's financial regulatory system. The bill I introduced would create a council of financial regulators to act as a systemic risk monitor. The bill would also require stronger safety and soundness standards and would close the loophole on the regulation of credit default swaps. It would eliminate the Office of Thrift Supervision, among other provisions.

There is widespread consensus that we do need a system, a measure for reviewing systemic risk. We need to have one entity that is responsible for looking across the financial markets and financial institutions and identifying regulatory black holes and high-risk practices or products that could put our financial markets at risk. For this reason, I am pleased the administration is proposing the creation of a council of regulators to ensure that many perspectives and areas of expertise are brought to the table.

As we know now from bitter experience, we do not have, currently, any entity charged with evaluating risk across the financial spectrum. As a result, we saw institutions take on far more leverage than was appropriate. We saw exotic new derivatives that were poorly disclosed, not well understood, and lightly regulated, if at all, develop over the last few years and imperil our financial markets. So it is critical that we have an entity—and I believe a council of regulators is the best entity—to look across the financial markets rather than having each regulator view its regulatory responsibilities and regulated entities through a narrow prism.

To my mind, the President's decision to rely on a council model makes his proposal far more practical and effective than alternatives which would have required the restructuring of most or all of the financial agencies that currently oversee the financial system. The effort to achieve that kind of massive change and consolidation would take many years to implement. As the experience in the United Kingdom demonstrates, it would be no guarantee that our Nation's economy would be shielded from systemic risk, even after such a consolidation were implemented.

Under the legislation I have introduced, a financial stability council would be the primary entity responsible for detecting systemic risk and taking action to protect against that risk. While I am pleased the President has chosen the council of regulators model as well, I differ with his proposal to have the Secretary of the Treasury serve as the head of the council. Instead, I believe the council's chairman should be independent of any of the regulatory agencies serving on the council and that it is important that that chairman devote his or her full energies to that role and not have other important responsibilities.

It is also important that individual be subject to congressional oversight, be presidentially appointed, and Senate confirmed.

I do believe, however, that the President made the right choice in not assigning this role to the Federal Reserve. That is a model that has been discussed, that perhaps the Federal Reserve should take on the responsibility of the systemic risk monitor. The Chairman of the Fed would be a member of the council, I have advocated, and, of course, the Nation's top banker would play a critical role in how the council discharges its responsibilities. But, in my view, the Federal Reserve already has plenty on its plate—including, after all, the conduct of monetary policy—and should not be distracted from those primary responsibilities by being asked to lead the new council.

There are several other important provisions in the President's plan on which I would like to comment. First, with respect to the too-big-to-fail problem, my bill would give the council the authority to make sure large financial institutions do not imperil the system by imposing higher capital requirements on them as they grow in size or raising their risk premiums or requiring them to hold a larger percentage of their debt as long-term debt. The President also proposes that the council play a role in setting these requirements. We have to get away from the problem we have now where we create a moral hazard. A firm knows if it becomes big enough and engages in sufficiently risky processes or practices, Uncle Sam is going to step in and bail that institution out. That is exactly the wrong message for us to be sending.

It is astonishing to me that our regulatory system was so lax and had so many gaps in it that we could have this huge market in credit default swaps arise where they were regulated neither as a security or as insurance; that we can have a situation where a large firm such as Bear Sterns has a leverage ratio that exceeds 30 to 1 and no regulator is stepping in; that we can have all of those kinds of problems. That is what we have to act to prevent.

The approach to too big to fail is one we have to undertake carefully, however. I don't think it makes sense to put some arbitrary limit on how big a firm can get, but I do believe that with increased size should come increased scrutiny by the regulators and higher capital requirements.

The TARP congressional oversight panel has adopted a similar position. As the panel has explained:

> We should not identify specific institutions in advance as too big to fail, but rather have a regulatory framework in which institutions have higher capital requirements and pay more on insurance funds on a percentage basis than smaller institutions which are less likely to be rescued as being too systemic to fail.

Second, I support the idea of requiring that lenders keep some ''skin in the game'' when dealing in asset-backed securities. One of the big problems with the current system is risk has become divorced from responsibility. The mortgage broker gets paid for finding the client, placing the loan with a financial institution, and then has no further obligation. The financial institution that is underwriting the loan

ends up selling it on the secondary market so, again, it has no further obligation. This system goes on and on and on. So I think the President is right about requiring everyone along the chain to have a financial interest in the ultimate health of the mortgage.

Since last spring, the Homeland Security and Governmental Affairs Committee, of which I am the ranking member and Senator LIEBERMAN is the chairman, has held a series of hearings on the roots of the present financial crisis. One problem consistently raised by the experts is the fact that asset-backed securities allowed lenders to sell their loans to investors and thereby avoid the risk that borrowers might default on these loans. That encouraged looser lending standards, and led to the boom and ultimately the bust in the housing market.

I understand the ability to sell those loans gives more liquidity and allows for additional mortgages to be made. But I think if you required the lenders to retain an interest in the loan, they are going to have more at stake when it comes to the financial security of the loan and, indeed, whether the loan should have been made in the first place.

Third, I am intrigued by the President's proposal to reform the role played by credit rating agencies. I am deeply concerned by the failure of these agencies to provide meaningful warning of the riskiness of investments backed by subprime loans, even after the market's downturn. I am very troubled by the way the system works now, where essentially there is an auction, there is ''ratings shopping,'' and there are conflicts of interest inherent in the system.

Fourth, I support the President's proposal to regulate and bring transparency to the derivatives market, including the over-the-counter market. This is a large, complex market where some companies are trying to enter into legitimate hedging contracts, but other financial institutions have been engaged in a tangled web of interlocking contracts that are extremely difficult to properly evaluate.

The lack of regulation and transparency in this area led to the near failure of AIG, which had engaged in hundreds of these contracts in the form of credit default swaps. As the financial crisis deepened, the American taxpayer was forced to bail out AIG with at least $70 billion due to the uncertainty of the impact of these credit default swaps on the economy as a whole. But AIG's experience should not be used as an excuse to alter the traditional authority of States to regulate insurance.

It was a noninsurance financial subsidiary of AIG that led to the debacle. AIG's insurance business remained pretty healthy. The problems were in the financial services unit, and I do not think it is a coincidence that unit was regulated by the Office of Thrift Supervision, primarily, which has been long recognized as the weak sister when it comes to bank regulators. That is why both my bill and the effect of the President's proposal is to do away with that regulator and to have a consolidated regulator.

Fifth, I need to learn more about the President's proposal to consolidate consumer protection for financial products into one agency. The current financial regulatory agencies—whether the bank regulators or the Securities and Exchange Commission or the CFTC—all have an important role to play in consumer protection, a role that has not always been played adequately in the last few years. Is the answer, however, to the problems we have seen simply to remove consumer protection from the bank regulators' responsibilities? I am not sure that is the right response. I think we need to look very closely at this issue.

Finally, I welcome the President's proposal to provide Federal regulators with resolution authority over holding companies and other nonbank financial institutions similar to the kind the FDIC has over banks. This lack of authority presented Federal regulators with a Hobson's choice with respect to nonbank financial institutions such as AIG: bail them out or allow them to fail, notwithstanding the damage to the economy as a whole.

Madam President, let me conclude my comments.

As a former Maine financial regulator, I am convinced that financial regulatory reform is absolutely essential to restoring confidence in our financial markets and to preventing a recurrence of a crisis such as the one we now face.

I applaud the administration for making this reform a priority.

America's Main Street small businesses, homeowners, employees, savers, and investors deserve the protection of an effective, new regulatory system that modernizes regulatory agencies, sets safety and soundness requirements for financial institutions to prevent excessive leverage, and improves oversight, accountability, and transparency. I look forward to working closely with the administration to achieve these goals.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRAVEL PROMOTION ACT OF 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1023, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 1023) to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business.

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

PARIS AIR SHOW

Mrs. MURRAY. Madam President, I rise today to draw attention to an event that is going on across the Atlantic Ocean and how it impacts thousands of good-paying family-wage jobs right here in the United States.

As some of my colleagues know, the Paris Air Show kicked off this week. The air show showcases many impressive displays of aviation, technology, and innovation.

But there is something else that is going to be on display at this year's air show: the fruits of some 30-plus years of direct cash advances and illegal subsidies to the European aerospace company Airbus.

For more than three decades now, the European governments that created Airbus to specifically compete with the United States have aggressively funded, protected, and promoted their venture.

Since 1969, the European governments of France, Germany, Spain, and the UK have supported—the governments have supported—Airbus's commercial aircraft development with over $15 billion in launch aid. Those are high-risk loans at no- or low-interest, with repayment contingent on the commercial success of the aircraft.

According to the USTR, the amount of launch aid Airbus has received during the lifetime of that company—if it was repaid on commercial terms—is well over $100 billion.

Such massive, market-distorting subsidies to a private company are today allowing Airbus to offer incentives for airlines to buy their planes. Airbus is a mature company, with more than half of the market for large commercial aircraft. But Europe is still treating it as a company with kid gloves.

In fact, last week, Bloomberg News reported that Airbus is seeking approximately $5 billion in launch aid from the governments of France, Germany, Spain, and the UK to now fund the development of the Airbus A350. Reports indicate that the deal could be completed within the month.

If we want to keep a strong aerospace industry in America, we cannot let that happen. Every time European governments underwrite Airbus with subsidies, our American workers get pink slips.

If we want to lead the world in commercial aerospace, our message to Europe has to be strong and clear: No more illegal subsidies to prop up Airbus. And Airbus has to compete in the marketplace just like everybody else.

I am deeply troubled that Airbus is considering pursuing now additional illegal, trade-distorting subsidies that, in effect, have caused adverse effects on the American aerospace industry at

the same time the European Union is being sued in the World Trade Organization for those such practices.

That is why I am writing to Ambassador John Bruton urging the EU to show it is serious about pursuing fair trade practices with the United States by ending any discussion or movement forward on those subsidies.

The message sent by the U.S. Government is very clear.

On April 11, 2005, this Senate unanimously adopted Senate Concurrent Resolution 25. That resolution called for European governments to reject launch aid for the A350.

Launch aid for the A350 or any other form of preferential financing for Airbus is unacceptable. We will not tolerate another round of subsidies that kill our American jobs.

In addition to the trade-distorting subsidies now being talked about in Paris, there are other distortions showing up in the news accounts as well.

Several weeks ago, I had the opportunity here in the Senate to question Air Force Secretary Michael Donley at our Defense Appropriations Subcommittee. I told him about my concerns for the future of our domestic industrial base and how I believe the future capabilities of both our domestic workforce and our military must be taken into account as we work to reform our procurement process.

Secretary Donley agreed that the Pentagon has an interest in ensuring that our industrial base issues are taken into account.

That response now has some of Airbus's top executives upset and once again distorting the facts. In newspaper reports over the weekend, the chief executive of EADS—which is Airbus's parent company—Louis Gallois, claims that if Airbus is selected to build the next generation of military refueling tankers, they would create more jobs than competition for the U.S. aerospace industry.

That is pretty hard to swallow. In fact, a year ago, in June 2008, an independent, nonpartisan Economic Policy Institute study concluded that the now-overturned decision to award the tanker contract to Airbus would have actually cost the United States 14,000 jobs.

The truth is, Airbus does not even have a plant here in the United States and their well-documented plan is to build their tanker airplane in Europe and then ship sections over here to the United States to be assembled.

The Boeing tanker, however, would be built in Everett, WA, and military capabilities would be added at the company's defense plant in Wichita, KS.

Suppliers in States across America would be supported by that contract. A Boeing-made tanker is estimated to support and create twice as many American jobs as an Airbus plane.

But it is not just about jobs. This is about the future of America's domestic industrial strength. Our government depends on our highly skilled industries—our manufacturers, our engineers, our researchers—and our development and science base to keep the U.S. military stocked with the best and most advanced tools and equipment available.

So whether it is our scientists who are designing the next generation of military satellites or our engineers who are improving our radar systems or our machinists who are assembling our planes, these industries and their workers are one of America's greatest strategic assets.

We ought to ask the question: What if they were not available anymore? What if we here made budgetary and policy decisions without taking into account the future needs of our domestic workforce?

That is not impossible. It is not unthinkable. It is actually happening. And it is time to have a real dialog here about the ramifications of these decisions before we lose our capability to provide our military with the tools and equipment they need. Because once our plants shut down and our skilled workers move to other fields, and once all the infrastructure we have here is gone, it cannot be rebuilt overnight.

As a Senator from Washington State, I represent five military bases and many of our military contractors and suppliers, and, believe me, I am keenly aware of the important relationship between our military and the producers who keep them protected with their latest technological advances.

I have also seen the ramifications of the Pentagon's decisions on communities and workers and families. As many of my colleagues know, I have been sounding the alarm about a declining domestic aerospace industry for years. The American aerospace industry has taken hits from the economic climate, but it is also being undermined by unfair trade practices and these illegal subsidies of the type that are now being talked about this week in France.

This isn't just about one company or one State or one industry; this is about our Nation's economic stability, it is about our skill base, and it is about our future military capability. We have watched as our domestic base has shrunk, as competition has disappeared, and as our military has looked overseas for the products we have the capability to produce from scratch—not just assemble but produce from scratch—here at home.

Last month, I worked with some of our colleagues in the Senate to include a provision in the Defense Acquisitions Reform Act that has now been signed by the President. My provision draws the attention of the Pentagon leadership to consider the effects of their decisions on our industrial base and its ability to meet our future national security objectives. These decisions should not be made in a vacuum without regard to the long-term capabilities of our industrial base and the workers who are its backbone.

Last weekend, EADS head Louis Gallois said:

> We will see at the end of the day who is creating more jobs. We are starting from scratch in Alabama. We have to create an industrial base.

Well, America has a highly skilled aerospace industrial base. It has taken a very long time to build it. We have machinists today who have past experience and know-how down the ranks for over 50 years. We have engineers who know our mission and know the needs of our soldiers and sailors and airmen and marines and they have a reputation for delivering for our U.S. military.

I believe we need to move forward with a fair and transparent rebid of the tanker contract. The comments and the actions coming out of France this week have been anything but. But, again, this isn't just about one contract; this is about our Nation's economic stability, it is about our military capability, and it is about ensuring that our workers are a consideration in the decisions we are making on major defense contracts.

It took us a long time to build our industrial base, and it is built on the best America has to offer: Our innovative spirit, our dedication to this country and, most importantly, our Nation's workers. We have to work to preserve it, and we need to stand against unfair and illegal trade practices such as the ones that are being talked about at the Paris Air Show this week.

The Presiding Officer and I both know we are in the middle of a recession. We are engaged in wars abroad. These are two separate but not unrelated challenges. We have the ability in America to provide our military with the equipment they need to defend our Nation and project our might worldwide. But I fear, unless we stand for our industrial base today, we stand to lose the backbone of our military might, some of our best-paying American jobs, and our economic strength in the future.

Now is the time to take this stand and stand for our military and for our workers. It is critical to preserving America's future strength.

I thank the Chair. 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.

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

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

AUTO MANUFACTURERS BANKRUPTCY

Mrs. HUTCHISON. Madam President, I rise today to speak about the update on the Chrysler and GM bankruptcy and their impact on the auto dealer community.

Almost 4 weeks ago, when we were considering the supplemental appropriations bill, I offered an amendment to provide at least 60 days for any dealer being terminated by an auto manufacturer receiving TARP funding to

wind down its operations and sell its inventory. My amendment was in response to the letter sent to 789 Chrysler dealers May 13, 2009, informing them they were being terminated on June 9—3 weeks later—with no assistance for auto inventory, parts, or special tools. I found that unacceptable. And you know, a number of the people who heard my amendment on the floor stepped up and said: I want to cosponsor that amendment. By the end of the day, we had 38 bipartisan cosponsors on the amendment to give these valued members of our communities at least 60 days to wind down their businesses. As a result of that amendment and thorough discussions with Chrysler president Jim Press and the Auto Task Force, Chrysler responded with a commitment to facilitate the transfer of inventory and parts for the terminated dealers.

As soon as we returned from Memorial Day recess, Chairman ROCKEFELLER and I called a Commerce Committee hearing specifically on the impact of the Chrysler and GM bankruptcy on the auto dealer community. This hearing provided the first outlet for dealers to express their opinions on how they were being treated in this process, and it gave Chrysler and GM CEOs the opportunity to explain their reasoning for the termination of literally thousands of dealerships across the country. We pressed the auto manufacturer executives to reconsider how they were treating these independent business men and women, and we sought progress reports on their commitments to me, our committee, and this body to provide a softer landing for terminated dealerships.

In response to the concerns we raised in that hearing, Chrysler did take another step forward on behalf of its terminated dealers by formally guaranteeing that every piece of inventory at these dealerships would be purchased at cost, minus inspection and transportation fees. So they made the promise after the Memorial Day recess that they would buy every car.

This reassuring news, of course, was welcome to the dealer body, but we still had concerns. I continued to push Chrysler for assurances regarding parts and equipment. The Commerce Committee sought additional answers on transparency, dealer reentry, rural access, and continuation agreements in both Chrysler and General Motors. On Monday, I received a letter that I thought was very positive from Chrysler, acknowledging the need for assurances on parts. They have now guaranteed 100 percent of the parts inventory for terminated dealers.

So we have a situation here where they did listen. They eventually said they would buy all of the cars that were still left in inventory, and now, of course, they are going to buy the parts. Of course, the dealers that were being terminated had no use for the parts which they had already purchased, and so I think that was a fair ending to that dilemma.

I also wish to point out another part of the answer to the Commerce Committee letter, which is on dealer terminations and market reentry. One of the things that came out in our hearing is that in some places all of the dealerships in the area were being closed, yet we had word that there were new people coming in seeking financing or a new dealership in the same place. That didn't quite ring right with us, and so we did ask for assurances that any dealer that was terminated would have some ability to come back in if another dealership was going to be put in that area. And here is what Mr. Press said in the letter of June 12, 2009:

> Chrysler Group LLC will commit to provide nonretained dealers with an opportunity for first consideration of new dealerships that the company may contemplate.

We sent the same request for information to the General Motors CEO, and his answer was:

> You have asked about situations where GM will authorize the establishment of a new dealership near the location where a current, profitable dealer has been asked to wind down operations. It is not our plan for current dealerships to be wound down only to open up new dealerships. Rather, our plan is to reduce overall dealer count. However, in those rare instances where we do open a new dealership, in an area previously served by a winding down dealer, we commit to provide advance notice to former dealers and allow them an advanced opportunity to apply to run the new dealership.

I think that is a step in the right direction, and I hope that will be followed through on in a legitimate and positive way because it would be the most cruel cut for a dealer that has been closed—a dealer that is profitable—to all of a sudden have a new dealer come in and open on the same ground or in the same area as the dealer that was closed at great loss.

Remember, we have a dealer now with a huge piece of real estate. These auto dealerships are big lots because they have all these cars on them. So they are big pieces of real estate, and they are big buildings that are generally suited just for the purpose of an automobile showroom, and they have been left or sort of stuck with this real estate and stuck with all of the other equipment and things you have to have to run a business. So I think it is untenable for us to just close that person down and then 3 months later suddenly have a new person come in without all of those expenses and have the opportunity to open a new dealership.

So I thought that was a very important part of the letter and commitment that is being made. But, of course, the commitment has to be followed through with—a responsible advance notice and a fair hearing for the dealer that has gone out of business to be able to come back in.

I commend Chrysler for heeding the calls of Members of Congress and the dealer community and responding in a way that does give additional support to the dealers.

General Motors, meanwhile, did sit down with the National Auto Dealers Association after our Commerce Committee hearing to work out concerns with the supplemental agreements continuing dealers were asked to sign. I commend GM for making concessions during those discussions, and I hope they will continue that positive dialog and interaction as the GM dealer network seeks additional information, support, and assistance.

I will continue to work with the auto manufacturers to provide our dealer communities with the support and assistance they need in this very challenging time.

I am worried about what is happening to many communities in my State and all over America because so often auto dealers are such a pillar of the community. They are very community oriented. They advertise, they support the Little League, they support the United Way, and they support the high school football programs. They are community citizens, and they are always the first one to step up when the community needs something.

It has been stated that closing these dealerships is necessary, even where it is the only dealership in town and even when it is profitable. But the dealer takes all of the risk. They buy the cars, they buy the parts, they buy the special equipment, they have the real estate costs. They take the risks, not the manufacturer.

I am not convinced that cutting down on the number of dealerships is the most productive thing for this economy today. We are trying to keep jobs. We are trying to keep communities going. We are trying to keep our economy steady and growing. Why we are closing down dealers and putting people out of jobs when they are profitable and contributing to the community is, frankly, lost on me. In fact, I asked Mr. Ron Bloom, who is a member of the Auto Task Force, at a Banking Committee hearing after the Commerce Committee hearing. I said: Why did the task force ask both GM and Chrysler to go back to the drawing board and eliminate more dealerships than their original plan?

He acknowledged they did this. Again, he gave us the argument that fewer dealerships will be better for sales of these cars and trucks.

I still, I am honest to admit, do not understand why he believes that; why Mr. Bloom or the Auto Task Force or GM or Chrysler believe when the dealers take the risk, and they are profitable, that it will increase sales to eliminate those dealerships. I certainly do not understand how the task force, which is part of the White House, would not see that this is going to hurt the economy in the long run—putting people out of jobs, thousands of people out of jobs. It is counterintuitive to me.

However, it is being done. All we are trying to do is help the people who are being shut down to have the first rights to new dealerships that would open, and to make sure they are treated as

fairly as possible. You cannot say it is fair because getting 3 weeks' notice to shut down an auto dealership is not fair. GM has given a longer time period, but although the GM company is saying: You will have until next year, 2010, to shut down your dealerships, yet the ones that have gotten the notice that they are going to be closed under GM are being told they cannot buy any new cars to sell. They can wind down the inventory they have, but they cannot stay in business until 2010 if they cannot get access to new automobiles and parts.

It does not seem as though that is going to work very well either. I am hoping GM is going to also be a little more responsible in trying to help those that are being closed, with some ability to wind down in a more constructive way.

As we continue these discussions between the dealer community and the auto manufacturers, I certainly hope we will be able to keep track of the progress. I would like to continue to get the progress reports, to see how these automobile companies are doing, and to get input from the dealers. It has been a very tough blow to them, especially those that did not see it coming because they were profitable, or like one of my constituents who had a profitable dealership in a location in Galveston County for years and years and years and then was told that he was going to be closed, even though he has dealerships in other parts of the Houston area, he was being closed in Galveston County and, of course, Galveston was struck by a terrible hurricane—Ike—last year and his business was down in the Galveston location. That is not surprising.

Many people have not been able to move back to Galveston County because their homes were destroyed and they have no ability to live in Galveston County anymore. At least until very recently there was no opportunity for my constituent to appeal to General Motors because they were going to lose all their rights, if they appealed, to any of the concessions that were being made to closing dealers. It is a very troubling situation.

I think we are making progress. I think GM and Chrysler are doing better with regard to the dealers, and I hope they will continue to understand these are important parts of communities all over America, these franchises that they have put out. They have been encouraged to buy inventory to try to help the companies not to go into bankruptcy, and then when they did go into bankruptcy they were sort of left high and dry. I think it is our responsibility—particularly in the case of GM and Chrysler, because they are getting taxpayer dollars—that they should have a little more concern about the overall economy because it is tax dollars that are propping them up.

I ask unanimous consent the letters that Senator ROCKEFELLER and I received from Mr. Henderson and Mr. Press, of GM and Chrysler respectively, be printed in the RECORD, and I yield the floor.

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

GENERAL MOTORS CORPORATION,
Detroit, MI, June 12, 2009.

Hon. JOHN D. ROCKEFELLER, IV,
Chairman, Committee on Commerce, Science and Transportation, Hart Senate Office Building, Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member, Committee on Commerce, Science and Transportation, Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR HUTCHISON: Thank you for your letter regarding rationalizing of the General Motors dealer network. I appreciate the time that you have devoted to understand the issues facing GM and the efforts we are undertaking to restructure the company for future viability. I appreciate the thoughtful questions and comments concerning how we decided which dealers should remain with the new company and the impact of those decisions on the dealers and the communities in which they operate.

Dealers are critical to the future of GM. Strengthening our dealer network will make that future possible, and preserve over 200,000 jobs at GM's remaining dealers, along with hundreds of thousands of jobs with GM's direct manufacturing and supplier network. As I stated in my testimony, restructuring our dealer network is quite painful—for us, and especially for our dealers. Many of our dealers operate businesses that have been in their families for generations. Our actions affect them personally as well as financially. They also affect the communities and states where our dealers live and work.

That is why we are conducting our GM dealer restructuring thoughtfully and objectively and in consultation with our dealers. We decided not to outright terminate dealers, and instead developed a unique wind-down process that we believe is considerably more equitable.

The issues that you raise generally result from our bankruptcy. I have stated on many occasions that bankruptcy was not the preferred option for GM to restructuring itself for future viability. Many in and outside of Congress called for a GM bankruptcy, and urged the company to use a court administered bankruptcy process. As economic conditions worsened, and we face the equivalent of an economic depression in the auto market, bankruptcy became the only option for GM to restructure and survive.

WIND DOWN AND PARTICIPATION AGREEMENTS

During the hearing, many issues were raised about the agreements GM asked its dealers to sign, either to wind down operations or continue with the New GM. GM crafted these agreements to provide dealers with more options than they would otherwise have.

With respect to the wind down agreements, we carefully drafted them to provide the dealers financial assistance, flexibility and choice regarding the time they take to orderly wind down their business. We did not terminate any dealers, rather providing them with options to sell and service vehicles for up to 16 months. This approach is in stark contrast to what happens to most contracts in bankruptcy, where contracts are typically simply rejected with no assistance.

With regard to the participation agreements, we continue to respect and follow state franchise law and provide a new operating approach that will benefit both the dealer and GM. We respectfully disagree that the participation agreements are onerous or otherwise improper. At the hearing, the National Automobile Dealers Association witness and some Senators raised questions about the participation agreements. I committed to you that we would quickly meet with NADA to better understand their concerns. We are pleased to report that GM and NADA, as well as representatives of the GM National Dealer Council, reached an understanding of the key issues and as a result, on June 9, GM sent a letter to each dealer we had asked to sign a participation agreement which clarified the important issues, including that the dealers retained certain rights afforded by state law. I have attached for you a copy of the dealer letter as well as the GM and NADA press releases on these clarifications. I can assure you that GM respects the rights of dealers and consider them key and critical to the success of the New GM.

DEALER MARKET RE-ENTRY

You have also asked about situations where GM will authorize the establishment of a new dealership near the location where a current, profitable dealer has been asked to wind down operations. It is not our plan for current dealerships to be wound down only to open up new dealerships. Rather, our plan is to reduce overall dealer count. However, in those rare instances where we do open a new dealership, in an area previously served by a winding down dealer, we commit to provide advance notice to former dealers and allow them an advanced opportunity to apply to run the new dealership.

When rationalizing our dealer network we looked at several factors, including profitability. Over two thirds of the dealerships that received wind down agreements were not profitable. Profitability is only one measure of a dealer's suitability for a future dealership opportunity. Equally important are the dealer's prior sales performance, customer satisfaction performance, needed funding and ability to provide acceptable dealership facilities. While a profitable dealer may provide high levels of customer service, it is not always true, and unfortunately a profitable dealer may rank among our poor performers. Even after the dealer rationalization General Motors will continue to have the largest and most extensive dealer network in the U.S.

LITIGATION PENDING BEFORE BANKRUPTCY FILING

The treatment of lawsuits and other claims is an important issue. All claimants will have the opportunity to submit their claims and have them resolved as provided by the Bankruptcy Code and other applicable law, both as to amount and priority. We understand that the Bankruptcy Court routinely addresses these issues, taking into account the concerns of the claimants and the bankrupt company. An unfortunate consequence of bankruptcy is that many claims do not receive the priority that the plaintiff would prefer.

SERVICE IN RURAL AREAS

We also carefully considered our dealer network coverage in rural areas and small towns versus urban/suburban markets. We know that our strong presence in rural areas, small towns and ''hub'' towns gives us a strong competitive advantage on average of more than 10 points in market share, and we would like to maintain that advantage. When our rural and small town dealers perform to our standards, they are a huge asset, and so we intend to retain an extensive rural network of 1,500 dealers nationally. With this comprehensive network in place we are confident we can continue to provide all of our customers with reasonable access to dealers and service, obviating the need for ''service

only'' outlets. However, we will conduct market analyses to ensure that there is sufficient representation of GM dealers so that we meet the needs of customers, especially in rural areas.

GM TECHNICIAN PLACEMENT

GM is proud of the dealer technicians who service GM vehicles. Many of these technicians are highly trained and possess multiple technical certifications. Factory trained individuals with these skills and credentials are highly sought after in the industry. GM shares your concern that these technicians may lose their current positions. In response to your letter, we commit to taking actions, such as by making training records and certifications available, with technician consent, to employment services and resume sites. In addition, we have already begun a review with our National Dealer Council to develop ideas on how GM can help the dealers' technicians transition to other dealers.

General Motors appreciates the support of Congress and President Obama and takes very seriously our responsibility to create a healthy GM for generations to come. Thank you for the opportunity to respond to your concerns.

Sincerely,

FREDERICK A. HENDERSON,
President and Chief Executive Officer.

CHRYSLER LLC,
Auburn Mills, MI, June 12, 2009.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.
Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN ROCKEFELLER AND RANKING MEMBER HUTCHISON: Thank you for the opportunity to respond to the concerns raised in your June 9 letter. As I highlighted last week at the Senate Commerce Committee hearing, it is critically important that the new Chrysler Group have a viable, realigned dealer network on day one. Despite a painful restructuring, Chrysler Group LLC will retain 86% of Chrysler dealers by volume and 75% by location. I can empathize with the dealers who were not brought forward into the new company, and can understand their disappointment. This has been the most difficult business action I have personally ever had to take.

The concerns you have raised are addressed in order below:

VEHICLE INVENTORY, PARTS AND SPECIAL TOOLS

Regarding the concerns you have outlined relative to inventories, parts and special tools, Chrysler has made a commitment to its discontinued dealers that 100% of the inventory on their lots will be purchased at cost minus a $350 inspection, cleaning and transport fee. Through a letter dated June 5, 2009 Chrysler informed all discontinued dealers that we will guarantee the re-distribution of 100% of eligible vehicle inventory. We have successfully found buyers for 100% of the outstanding vehicle inventory, and dealers requesting our assistance have received commitments for 80% of their parts inventory.

We will continue to work with the discontinued dealers to redistribute their parts inventory for the next 90 days. After that time we will commit to repurchase remaining qualified parts inventory from those dealers at the average transaction price for all parts already redistributed. We will also continue to work to redistribute all remaining special tools.

DEALER TERMINATIONS AND MARKET RE-ENTRY

While some profitable dealers were not retained by Chrysler, it is important to note that profitability alone is not an adequate measure and is one of several elements that determine a dealer's viability and value to Chrysler. The factors we considered in making these decisions included:

Total sales potential for each individual market

Each dealer's record of meeting minimum sales responsibility

A scorecard that each dealer receives monthly, and includes metrics for sales, market share, new vehicle shipments, sales satisfaction index, service satisfaction index, warranty repair expense, and other comparative measures

Facility that meets corporate standards

Location in regard to optimum retail growth area

Exclusive representation within larger markets (Dualed with competitive franchise)

Opportunity to complete consolidation of the three brands (Project Genesis)

Dealers may be profitable while not meeting their Chrysler new vehicle ''minimum sales responsibility'' level. For example, a dealer may focus on maintaining a low cost structure through a lack of modernization, a heavy emphasis on used vehicles, lack of investment in training and capacity. Therefore, a dealer could be profitable while not meeting their new vehicle sales and customer satisfaction obligations.

Also, we understand and value the loyalty and experience represented in many of the discontinued dealers. As we consider market re-entry or expansion in the future.

Chrysler Group LLC will commit to provide non-retained dealers with an opportunity for first consideration of new dealerships that the company may contemplate.

PROVIDING TRANSPARENCY IN THE DECISION-MAKING PROCESS

To achieve the necessary realignment, we used a thoughtful, rigorous and objective process designed to have the least negative impact while still creating a new dealer footprint scaled to be viable and profitable for the long-term. Factors in the decision-making are outlined in the second question above.

Upon request, we will share with any dealer the rationale and specific data used in making the decision on the dealer separation.

CONSUMER PROTECTION

Bankruptcy is a very difficult process requiring hard choices and painful decisions. The bankruptcy process has impacted all existing stakeholders. With a failed enterprise, there are many who suffer significant losses. Traditionally in a bankruptcy, liabilities such as product liability claims are not carried forward into the new enterprise. The judge found this decision to be within the debtor's sound business judgment, and it is a customary bankruptcy outcome. Any product-related claims arising from vehicles sold by the New Chrysler will be addressed by the new company. This is consistent with the goal of a Chapter 11 bankruptcy, which is to create a framework enabling a vibrant, sustainable new company to emerge.

CONSUMER ACCESS TO SERVICE IN RURAL AREAS

There will be over 2,300 remaining Chrysler, Jeep and Dodge dealerships conveniently located with the parts and trained technicians to service consumers' vehicles. Based on registration data, our customers reside an average of 6.28 miles from the nearest Chrysler, Jeep or Dodge dealer now; this distance will increase to 6.80 miles after the consolidation. With regard to rural dealers, the distance increases from 9.72 to 10.70 miles. Even with the consolidation, our dealers on average are more conveniently located to customers than Toyota or Honda dealers are to their customers.

Additionally, we will consider companion facilities to address potential sales and service issues in areas of concern. Chrysler will send a letter to all customers notifying them of the four nearest dealers who can provide service. It is not in Chrysler's interest to abandon existing customers to the detriment of future parts and new vehicle sales.

CUSTOMER CONVENIENCE COMPARISON

[Average distance in miles a customer must drive to reach a dealership]

	Old Chrysler	New Chrysler	Change chrysler	Toyota	Honda	Chevy	Ford
Metro	4.45	4.82	0.37	5.01	5.11	4.10	4.23
Secondary	6.08	6.44	0.36	7.38	7.58	5.69	5.76
Rural	9.72	10.70	0.98	19.27	24.27	8.04	8.69
Total	6.28	6.80	0.52	9.11	10.31	5.58	5.81

PLACEMENT ASSISTANCE FOR CHRYSLER TECHNICIANS

Chrysler is sensitive to the job loss associated with the non-retained dealers. In an effort to assist employees, a job posting website is currently being developed in partnership with Careerbuilder.com. This website will list jobs that are available at Chrysler dealerships nationwide to the extent such information is provided to us. Additionally, there will be a resource section to provide ''how to'' tips on items like resume building and job interview techniques.

Again, I appreciate your concerns and want to assure you that we are doing everything we can to support the dealers that are not going forward and to ensure that the new company going forward is successful.

Sincerely,

JAMES E. PRESS,
Vice Chairman & President.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BINGAMAN. Mr. President, twice in the last 2 weeks I have asked a unanimous consent to proceed to consider Calendar No. 97. I would like to do that again at this time. We have advised the Republican side of the aisle I will be doing that, so I will proceed with that at this point.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hilary Chandler Tompkins to be the Solicitor of the Department of the Interior, that the nomination be confirmed, that the motion to reconsider be laid on the table, that no further motions be in order, that any statements relating to the nomination be printed in the RECORD, that upon confirmation the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mrs. HUTCHISON. Mr. President, I do object.

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

Mrs. HUTCHISON. I object on behalf of the minority because they have not yet had time to clear this on our side, but certainly we will work with you going forward to be able to expedite this nomination.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, let me comment briefly. I regret objection has been raised again. This nomination was reported out of our Energy and Natural Resources Committee on April 30. Of course, we are now at June 17. There was no testimony at our committee hearing or no suggestion made by anybody that Ms. Tompkins was not qualified for this position. Clearly, she is qualified and well qualified for this position. She has served in important positions in our State government in New Mexico. She is, by education and experience, eminently qualified to be the Solicitor.

I also point out to my colleagues, she is the first Native American to be nominated by the President to be the Solicitor for the Department of the Interior, and she is the second woman in the history of this country to be nominated to be the Solicitor of the Department of the Interior.

This is an extremely important position. Secretary Salazar is trying very hard to put together a team of people who can help him to do the job of Secretary of Interior, and he needs a person in this Solicitor's office he can depend upon. He has chosen her to be that person.

To my mind, it is unacceptable for us to continue denying him the choice he has made, and the choice President Obama has made, for the Solicitor's office. It is very unfair to Ms. Tompkins to be denying her this position. Frankly, I have great difficulty understanding why she was singled out.

There have been a great many nominees who have come before the Senate in the last couple of months in connection with the Department of the Interior responsibilities. Why we would be singling her out and holding her up while others have been approved I have great difficulty understanding.

My colleagues say they need additional time. Frankly, I cannot understand what the additional time relates to. I know of no questions that need to be looked at. I know of no objections that have been raised to her nomination.

I hope that if there is anything, any additional investigation or question that continues to exist on the Republican side, they would resolve that here in the next day or two so we can complete this nomination and get on with other business. But this is a very unfair situation with regard to this nominee. In my view, there is no justification for it. I know the Presiding Officer, Senator UDALL, and I will continue to pursue this repeatedly over the coming days until this matter is resolved and she can be confirmed. I believe that once permission is given for her nomination to be voted on, she will be overwhelmingly confirmed. That is as it should be. But due to the arcane rules that we operate under in the Senate, the Republican Members have chosen to hold up this nomination very unfairly, in my view, and I think we will have to revisit it again in the next few days.

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

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

The bill clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. KYL. Mr. President, I have been talking about, over the last several days, health care reform which is urgently needed. No one is satisfied with the status quo. We have all heard unfortunate stories about Americans who cope with health insurance. All Americans deserve access to high-quality health care. In a country as innovative and prosperous as ours, we can achieve that goal. Republicans believe we can do so by putting patients first. We believe Americans should be trusted with their own money to make wise decisions about the health care plan that best fits their family's needs. We do not believe forcing everyone into a one-size-fits-all, Washington-run system, as the President wants, is the solution to our health care problems. Indeed, we believe a Washington takeover would create a whole new set of problems, the likes of which are experienced every day in countries such as Canada and Great Britain.

President Obama often says if you are insured and you like your current health care, you can keep it. But as I pointed out several times, the President's plan would, in fact, force millions of Americans into the government system by providing incentives for their employers to eliminate their coverage. Government-run health care systems in Canada and Great Britain have, over and over, failed the very patients they were created to serve. Access to doctors, tests, treatments, and medications is limited. Patients wait through painful months and years to get the treatment they need. The longer they wait, the more their conditions worsen. Medications are sometimes unavailable or the government may refuse to pay for them, despite the guarantee of universal coverage to all. Innovation and new medical technologies are not encouraged because they would lead to higher costs. Patients deal with bureaucratic hassles as they try to navigate their way through an overly complicated maze of rules. Americans want health care reform, but they don't want to experience the rationing and the ordeals that a government system would create.

As opposition to this public option idea or Washington takeover grows, some Democrats have been trying to disguise this takeover with a new name. They have come up with the idea of calling it a health insurance co-op. This started with a very good idea from the Senator from North Dakota but has evolved into simply another name for a government-run insurance company. As we all know, a co-op in its purest form is a business controlled by its own members. Co-ops form when communities unite to solve a common problem or exchange goods and services. In Arizona, we have more than 100 co-ops all across the State. Some communities use them to get fresh food, electricity, hardware, heating fuel or create credit unions. A bloated, Washington-run health care bureaucracy forced upon the public is not a co-op.

As former Secretary of Health and Human Services Michael Leavitt has written in a soon-to-be-published Fox News article he shared with me:

> A co-op that would be federally controlled, federally funded, and federally staffed sounds like the public option meets the new General Motors.

In the era of the GM takeover, Washington controls the purse strings, pays the bills, dictates the rules. The same would be true of a Washington health care co-op.

As Leavitt put it in this article:

> Washington healthcare would result in Americans being ''co-opted,'' rather than being given a ''co-op.''

Americans are also concerned about the cost of the bills being proposed on the Democratic side. The nonpartisan Congressional Budget Office's preliminary estimate shows that the bill in the HELP Committee or the draft bill created by the senior Senators from Massachusetts and Connecticut—the piece of legislation I am talking about—would cost a trillion dollars over the course of 10 years but only would reduce the number of uninsured by 16 million. So a trillion dollars to bring 16 million people into insurance status. For those who would be newly covered, the cost would be $65,185 per person for 10 years of coverage. That is

only a preliminary estimate for part of the plan. Of course, the preliminary estimate does not tell the whole story. What would it cost to cover the remaining 31 million who are thought not to have insurance or the millions who would be displaced from current private coverage with their employer into the public plan? Remember, I indicated that private employers would have no incentive to keep those people on their own rolls when it would be much cheaper to have them go to the government option.

The bill also provides subsidies for families whose incomes reach 500 percent of the poverty line which gets you close to $100,000.

The first question one has to ask in these circumstances is, How do we pay for all of this, and who will pay. We are all familiar with the huge expenditures of this government since the beginning of the year on the so-called stimulus package, the so-called omnibus bill, the budget that has been provided, and now the supplemental that we will probably be taking up tomorrow, all of which adds trillions of dollars in more debt, more debt than all the other Presidents and Congresses of the United States put together. In fact, double that, and that is how much debt is created in just one budget of President Obama.

We add on top of all of that a trillion, 2 trillion, who knows how much to try to find coverage for about 45 million people. We have not had the answers to the questions yet of how we would pay for it and who would pay, but we have seen proposals that range from taxes on beer and soda to juice, salty foods, eliminating charitable tax deductions. We even heard about a value-added tax that would tax everyone regardless of income. Would there be anything left that the Federal Government does not tax at the end of this?

The HELP Committee would also establish a new prevention and public health investment fund. We don't know all the details, but what we have heard is that, it would direct billions of dollars to the government to do healthy things. Like what? Like building sidewalks and establishing new government-subsidized farmers markets. The idea is to encourage healthier lifestyles. I suppose that creating sidewalks so people can jog on sidewalks creates healthy lifestyles. I was at a farmers market this weekend. I didn't notice any Federal subsidies. I am sure the vegetables there are good for everybody, and it would be nice to have more farmers markets. But should the government be spending a lot of money on things such as that in the guise of trying to provide healthier Americans so we have less costly insurance? Encouraging healthier life styles is fine, but I don't think this is the kind of reform the American people have in mind. It is also indicative of a very wasteful and inefficient system, whenever it is run by the Federal Government in Washington.

We all believe that families who can afford insurance should be helped. There are ways to do that. The poorest Americans are already eligible for Medicaid, and we should see to it that Medicaid and Medicare are strong and that everyone who is eligible signs up for them. One of the reasons there are so many uninsured is that many of the people who are eligible for private insurance or Medicaid have not signed up. We could get them signed up for that.

That leads to another question about Washington-run health care. Will increased demands for government health care diminish the quality of care that is now received by America's seniors in Medicare? That is an important question for seniors to contemplate. They want Congress to find ways to ensure Medicare is solvent. They don't want us to divert the program's resources into a massive new entitlement for everyone. Yet we all know, as the President himself has said, that Medicare is not solvent. It is not sustainable. Now we are going to add additional burdens and expect that there would not be any negative impacts on America's seniors. I find that hard to believe.

I haven't read anything in the Congressional Budget Office's preliminary report that makes me more optimistic about this. The preliminary numbers should make us even more weary of adding a new government program.

Finally, we are told we must hurry up and pass the health care reform President Obama wants for the sake of the economy. The President pitched this same argument to Congress as he rushed us to pass the stimulus, which was packed with debt and waste, the details of which are now coming to light thanks to a new report by Senator COBURN. The reality is, the bulk of the money we passed for the stimulus should simply not be spent. That will not be efficiently spending taxpayer dollars. I argued at the time that rushing to borrow money to pass such an expensive and complex bill was irresponsible and a disservice to taxpayers. Administration economists insisted that if Congress hurried to pass the stimulus, unemployment would peak at 8 percent. Four months later, unemployment has now reached 9.4 percent, and here we are again being pressured to hurry up and spend another trillion taxpayer dollars.

Republicans will not be rushed into passing the Democrats' health care bill. We are going to ask the tough questions. I think our constituents deserve answers to those questions. Based upon the track record so far, I wouldn't say the experts who have told us don't worry about the cost, everything will be fine, have not guessed right, as the Vice President said last Sunday. I don't think our constituents want us to hurry it. They want us to do it right. We want real reform, not more deficits, government waste, and unsustainable programs.

As we reform health care, we need an approach that makes sure the patients come first and that no government bureaucrat stands in the way of the doctors prescribing treatments and medications their patients need. The success of America is largely due to the individual freedom we all enjoy. Individual freedom triumphs when the doctor-patient relationship remains free of government intervention. We must continue our great tradition as we pursue the health care reforms we all want.

Let me comment on a piece of legislation Senator MCCONNELL and I introduced. I would love to have everyone cosponsor this legislation. I am hoping we can get it adopted soon before we take up health care reform because it will inform us as to how we should deal with health care reform on what could be the most important issue Americans find involved with this. Americans want their fellow citizens to be insured. They wanted costs to be kept in check so they can afford insurance. They want both those things. But they don't want their care, the care they believe in and they like, interfered with in order to achieve these other two goals.

One of the things they are most fearful of is that their care will be rationed. When we talk about saving money in Medicare in order to pay for insuring more Americans, seniors rightly question whether some of the care they have been getting is going to be denied them or that they will be delayed in getting that care.

One of the ways that could be accomplished is by using something the Congress has already passed called comparative effectiveness research. That stimulus bill I talked of earlier appropriated $1.1 billion to conduct comparative effectiveness research. It wasn't necessary because it is done in the private sector all the time. Hospitals, medical schools, associations, groups of people who want to find out which treatment is best for the most people conduct this kind of research all the time. Is drug X or drug Y better to treat people when they have a certain condition? They run tests to see how the different medications perform. They then give those results to physicians who use that information in prescribing to their patients. It is a way we have found that we can provide better quality care for more people. Sometimes, by the way, we can save money as well.

The point is not to try to figure out how to cut costs so we can deny certain care to people and, therefore, not have the cost of providing it. Unfortunately, that is one of the purposes to which this research could be put. It has been acknowledged by people both within the administration and without. The acting head of the National Institutes of Health, for example, talked about using this research for allocation of treatments.

Allocation of treatments is another way of saying rationing. You decide

which treatments to allocate and which ones not to. This is the way it is done in Great Britain and Canada. They do not have enough money to pay for all the health care that physicians prescribe, so they simply delay some of the care until it is not needed anymore or the person dies or they deny it. For example, one of the policies was not to prescribe a drug—well, the doctor prescribes the drug, but not to fill the prescription for an eye condition until the patient was blind in one eye. Then you could get the drug.

Americans do not want that. They do not want to have to suffer in that way when the medicines are available to treat them. What the government agency in Great Britain has said is: Look, we don't have enough money to give you all of the care your doctor says you need. We are going to have to make tough choices. We understand that will not please everyone. But there is no other way to use the limited dollars we have to provide this free care to everybody within the country.

What we are saying is, we do not want America to get to that point where you have to ration the health care. In Great Britain they have a term called ''QALY.'' It stands for Quality Adjusted Life Years: QALY. What they have literally done is to say that a person's life is worth between 20,000 and 30,000 pounds—I gather that is probably about $35,000 or $40,000—and that in a year of your life, I think it comes out to about $125 a day. If the health care the doctor has prescribed costs more than that, then in most cases you do not get it, even though the doctor says you need it, and he is willing to prescribe it and help you with the procedure or treatment or taking the drug.

I would hate to get to that point in the United States where we have an agency that says how much we think your life is worth every day—$125—and says: Well, if the prescription of the doctor costs more than that, you are out of luck, we are not going to pay for it.

Incidentally, the national health care system in Great Britain has an acronym for that agency; it is NICE. It is the National Institute for Health and Clinical Excellence, N-I-C-E: NICE—not so nice when you do not get the care your doctor says you need.

What Senator MCCONNELL and I have said is that the government cannot use this research, this comparative effectiveness research, for the purpose of denying your care. Obviously, it can be used for the purpose for which it was originally intended; namely, to figure out which treatments and prescriptions are best. But it cannot be used to deny treatment or service.

We obviously make an exception for the FDA, the Federal Food and Drug Administration, which can say a certain drug is dangerous to your health. Obviously, that would be exempted from this prohibition. But otherwise we say you cannot ration health care with comparative effectiveness research.

The bill pending before the HELP Committee actually creates an agency to use this research for that purpose. So there is a blatant attempt in the HELP Committee to use this research to ration care. Our legislation would stop that. We think we ought to pass it now to instruct the HELP Committee that we do not want that to happen.

In the Finance Committee, it is more indirect. A private entity would conduct the research. But there is nothing to prevent the Federal Government from using the results of the research to delay or deny your care, to ration care.

So for the bills that are being written in both committees, our legislation would provide direction that—whatever other reform we have—Americans are not going to have to worry about somebody getting in between their doctor and themselves, when the doctor says: I think you need this particular treatment, if their insurance provides for that. If not, there are other ways you can get the treatment; if it is a government program such as Medicare, you would be able to get the treatment. The government is not going to inject itself between you and your physician and say: You can't have that because it is too expensive.

That is all our legislation does. I would hope my colleagues would be willing to support that legislation to give direction to the two committees to ensure that they do not, in their zeal to cut costs, write legislation that would have the effect of rationing health care.

There are a lot of other concerns we have in putting this legislation together: concerns about a government-run insurance company to compete with the private insurance companies; a requirement that all employers provide health care, which, of course, would substantially add to their costs and might result in their hiring fewer people or paying the people who they do hire less money.

There are a lot of different concerns we have. But, in my mind, the most serious one is this concern about rationing. Everybody wishes to lower costs. But the one way we cannot lower costs is by having the U.S. Government tell you that you cannot get medical care your doctor says you need.

Let me conclude with this point: If you will think back, think back 100 years ago to the year 1908. How much health care could you buy at the turn of the last century, say the year 1900, 1908? The answer is, not very much. Think back about 40 years before that, when President Lincoln was assassinated and the kind of treatment he got. It almost seems barbaric in our modern way of looking at things that there was not anything available to save his life.

Now think of the incredible inventions and breakthroughs in medical science in the last 100 years, in the last 50 years, in the last 10 years. Things have been invented. New medications, new pharmaceutical drugs, medical devices, new kinds of surgery, ways of treating all kinds of conditions have evolved so rapidly that we are extraordinarily fortunate to be able to buy all of this health care.

So when people say we are spending too much on health care, I am not sure that is totally correct. To the extent there are more efficiencies in the system that can be brought to bear, of course we want to do things to incent those incentives. That is what some of the Republican proposals would do. But what we do not want to do is to put a government bureaucrat in between you and this incredible new medicine that is being invented every day.

We should be glad we can spend more on health care if it is much better health care. As one of the experts in this area said: In 1980, if you had a heart attack, after 5 years, your chances of survival are about 60 percent. If you have that same heart attack today, your chance of survival is about 90 percent—so from 60 percent to 90 percent survival in a few years, based upon new medical breakthroughs. It costs a little more money. The question is, would you rather have 1980s health care at 1980s prices, or health care that is available today at today's prices? I submit almost all of us, when we are thinking about a loved one in our family, would say: I want the very best there is, the very best we can get.

That is why Republicans say we want insurance to be affordable for everyone so that at least, if nothing else, for that catastrophic event in your life—such as a heart attack, for example—you will have all of the latest health care that America has available, and it will be paid for so you will have high-quality care.

In some of these other countries, they say: We are sorry. We can't afford that. We can't afford to spend money on all these new breakthroughs. We are basically stuck with what we could afford back in 1980, for example. And good luck. We know that is not going to help you all that much with your illness, but that is all we can afford to pay.

That is what we are trying to avoid. We are trying to take a very small step first and say that, at a minimum, nothing in this legislation would allow the government to use comparative effectiveness research to ration our care. I do not think that is too much to ask. I would ask all of my colleagues to join Senator MCCONNELL and me in sponsoring that legislation and seeing to it we can get it passed for the benefit of our families and our constituents.

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

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

The assistant bill clerk proceeded to call the roll.

Mr. GRAHAM. 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.

Mr. GRAHAM. Mr. President, I see Senator BENNETT from Utah. How would the Senator like to do this I have about 5 minutes.

Mr. BENNETT. Mr. President, I wish to speak for 10 minutes in morning business following Senator GRAHAM, and I ask unanimous consent to proceed on that basis. I will be speaking as in morning business, as I assume the Senator will be.

Mr. GRAHAM. That is correct.

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

DETAINEE ABUSE PHOTOS

Mr. GRAHAM. Mr. President, I come to the floor to acknowledge an agreement I have reached with the majority leader and the administration regarding the issue of detainee abuse photos. I think, as my colleagues are well aware, there are some photos of alleged detainee abuse that have existed for several years; more of the same, nothing new. The President has decided to oppose their release.

The ACLU filed a lawsuit asking for these photos to be released. General Petraeus and General Odierno are the two combat commanders, and I ask unanimous consent that their statements be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the lawsuit said if these photos are released, our enemies will use them against our troops. These photos will incite additional violence against men and women serving overseas and Americans who are in theater. There is nothing new to be learned, according to the President. I agree with that. These are more of the same. The people involved at Abu Ghraib and other detainee abuse allegations have been dealt with. The effect of releasing these photos would be empowering our enemies. Every photo would become a bullet or an IED. I wish to applaud the President for saying he opposes their release.

The status of the lawsuit is that there is a stay on the second circuit order that would allow the photos to be released until the Supreme Court hears the petition of certiorari filed by the Supreme Court.

I have been promised two things that were important to me to remove my holds and to let the supplemental go without objection. No. 1, there would be a freestanding vote on the Lieberman-Graham amendment, the legislative solution to this lawsuit. The Senate has previously allowed this legislation to become a part of the supplemental war funding bill. It would prevent the disclosure of these photos for a 3-year period. If the Secretary of Defense said they were harmful to our national security interests, it could be renewed for 3 years. Senator REID has indicated to me that before July 8 we will have a chance to vote on that provision as a freestanding bill, which I think will get the Senate back on record in a timely fashion before the next court hearing.

Secondly, I wanted to be assured by the administration that if the Congress fails to do its part to protect these photos from being released, the President would sign an Executive order which would change their classification to be classified national security documents that would be outcome determinative of the lawsuit. Rahm Emanuel has indicated to me that the President is committed to not ever letting these photos see the light of day, but they agree with me that the best way to do it is for Congress to act.

So in light of that, I am going to remove my hold on the bills I have a hold on, and I will support the supplemental. Because I think it is very important for our soldiers, airmen, sailors, marines—anybody deployed—civilian contractors and their families to know there is a game plan. We are going to support General Petraeus and General Odierno and all our combat commanders to make sure these photos never see the light of day. I think we have a game plan that will work. It starts with a vote in the Senate. I am urging the House to take this up as a freestanding bill. There were 267 House Members who voted to keep our language included in the supplemental. It was taken out. I am very disappointed that it was taken out, but we now have a chance to start over and get this right sooner rather than later.

With that understanding, that we are going to get a freestanding vote on the Lieberman-Graham amendment and that the administration will do whatever is required to make sure these photos never see the light of day if Congress fails to act, I am going to lift my hold on all the legislation and support the supplemental. I look forward to taking this matter up as soon as possible.

I thank the Chair, and I yield the floor.

EXHIBIT 1

AMERICA'S TOP GENERALS WARN AGAINST PHOTO RELEASE

DECLARATION OF GENERAL DAVID H. PETRAEUS, COMMANDER OF THE UNITED STATES CENTRAL COMMAND

Endangering the Lives of U.S. Servicemen and Servicewomen

''The release of images depicting U.S. servicemen mistreating detainees in Iraq and Afghanistan, or that could be construed as depicting mistreatment, would likely deal a particularly hard blow to USCENTCOM and U.S. interagency counterinsurgency efforts in these three key nations, as well as further endanger the lives of U.S. Soldiers, Marines, Airmen, Sailors, civilians and contractors presently serving there.'' (Declaration of General David H. Petraeus, ¶2, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Threaten Troops in Afghanistan

''Newly released photos depicting, or that could be construed as depicting, abuse of detainees in U.S. military custody in Iraq and Afghanistan would place U.S. servicemen in Afghanistan at heightened risk and corrosively affect U.S. relations with President Karazai's government, as well as further erode control of the Afghanistan government in general.'' (Declaration of General David H. Petraeus, ¶12, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

''An influx of foreign fighters from outside Afghanistan and new recruits from within Afghan could materialize, as the new photos serve as potent recruiting material to attract new members to join the insurgency. . . . Attacks against newly-arriving U.S. Marines and soon-to-arrive U.S. Army units in the south, and transitioning U.S. Army units in the east, could increase, thus further endangering the life and physical safety of military personnel in these regions.'' (Declaration of General David H. Petraeus, ¶12, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

''In addition to fueling civil unrest, causing increased targeting of U.S. and Coalition forces, and providing an additional recruiting tool to insurgents and violent extremist groups, the destabilizing effect on our partner nations cannot be underestimated.'' (Declaration of General David H. Petraeus, ¶12, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Turn Back Progress in Iraq and Incite Violence

''Newly released photos depicting abuse, or that could be construed as depicting abuse, of Iraqis in U.S. military custody would inflame emotions across Iraq and trigger the same motivations that prompted many young men to respond to calls for jihad following the Abu Ghraib photo release. After the Abu Ghraib photos were publicized in 2004, there was a significant response to the call for jihad, with new extremists committing themselves to violence against U.S. forces. Al-Qaeda in Iraq (AQI) and Sunni insurgents groups in Iraq will likely use any release of detainee abuse images for propaganda purposes, and possibly as an opportunity to widen the call for jihad against U.S. forces, which could result in a near-term increase in recruiting and attacks.'' (Declaration of General David H. Petraeus, ¶7, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Help Destabilize Pakistan

''Newly released photos depicting abuse of detainees in U.S. military custody in Afghanistan and Iraq would negatively affect the on-going efforts by Pakistan to counter its internal extremist threat.'' (Declaration of General David H. Petraeus, ¶8, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

DECLARATION OF GENERAL RAYMOND T. ODIERNO, COMMANDER OF MULTI-NATIONAL FORCE—IRAQ (MNF–I)

Release of Photos will Result in Harm to U.S. Soldiers

''The 2004 publication of detainee photos resulted in a number of posting on internet websites. Perhaps the most gruesome of internet reactions to the photo publication was a video posted in May 2004 showing the decapitation murder of U.S. contractor Nicholas Berg. A man believed to be Zarqawi specifically made the linkage between the abuses at Abu Ghraib and Berg's murder saying, And how does a free Muslim sleep comfortably watching Islam being slaughtered and [its] dignity being drained. The shameful photos are evil humiliation for Muslim men and women in the Abu Ghraib prison. . . . We tell you that the dignity of the Muslims at the Abu Ghraib prison is worth the sacrifice of blood and souls. We will send you coffin

after coffin and box after box slaughtered this way.'' (Declaration of General Raymond T. Odierno, ¶8, 9, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

''I strongly believe the release of these photos will endanger the lives of U.S. Soldiers, Airmen, Marines, Sailors and civilians as well as the lives of our Iraqi partners. Certain operating units are at particular risk of harm from release of the photos. One example is our training teams throughout Iraq. These are small elements of between 15 and 30 individuals who live on Iraqi-controlled installations and thus do not have the same protections afforded to many of our service members. In addition, as they assist our Iraqi partners, members of such teams are regularly engaged in small-unit patrols, making them more vulnerable to insurgent attacks or other violence directed at U.S. forces. Accordingly, there is good reason to conclude that the soldiers in those teams and in similarly situated units would face a particularly serious risk to their lives and physical safety.'' (Declaration of General Raymond T. Odierno, 4, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

''MNF–1 will likely experience an increase in security incidents particularly aimed at U.S. personnel and facilities following the release of the photos. Incidents of spontaneous violence against U.S. forces, possibly including attacks from outraged Iraqi police or army members are likely. Such increased attacks will put U.S. forces, civilians, and Iraqi partners at risk of being killed, injured, or kidnapped. The photos will likely be used as a justification for adversaries conducting retribution attacks against the U.S. for bringing shame on Iraq.'' Declaration of General Raymond T. Odierno, ¶11, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Release of 2004 Photos Resulted in Successful Attacks Against U.S. Forces

''The public dissemination of detainee abuse photos in 2004 likely contributed to a spike in violence in Iraq during the third quarter of 2004 as foreign fighters and domestic insurgents were drawn to Iraq to train and fight. Attacks on C[oalition] F[orces] increased from around 700 in March 2004 to 1800 in May (after the photographs were broadcast and published) and 2800 in August 2004. Attacks on C[oalition] F[orces] did not subside to March 2004 levels until June 2008. These increased attacks resulted in the death of Coalition Forces, Iraqi forces, and civilians.'' (Declaration of General Raymond T. Odierno, Motion to Recall Mandate, ¶7, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Increase Recruitment for Extremist Organizations and Incite Attacks

''I believe these images will be used to inflame outrage against the U.S. and be used by terrorist organizations to recruit new members. The release of the photos will likely incite Muslim idealists to join the cause to seek retribution for the dishonor they may perceive to have been brought against all Muslims by the U.S. inside Iraq, the publicity over the images could incite additional attacks on U.S. personnel by members of the Iraq Security Forces.'' (Declaration of General Raymond T. Odierno, Motion to Recall Mandate, ¶16, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

The ACTING PRESIDENT pro tempore. The Senator from Utah.

GOVERNMENTAL POWER

Mr. BENNETT. Mr. President, when the Founding Fathers wrote the Constitution and gave us our government, they did so out of a deep distrust of the power of government coming out of their experience with King George, and they created a government that limits the use of power, deliberately setting up a system of checks and balances, a doctrine of separation of powers and so on, with which we are all familiar.

Out of that, Americans have become used to the idea that there are limits on governmental power, and one of the concerns I hear when I visit with my constituents in Utah is that they are afraid there are now no limits on governmental power, or at least there is certainly not enough limits on governmental power. I am asked: Where does it stop? The government can take over insurance companies. The government can take over financial institutions. The government can take over an automobile company. The government can dictate who gets to be chief executive and how much he or she will be paid. Aren't there supposed to be limits on governmental power?

Today, we have a proposal brought forward by the administration with respect to how the regulatory pattern for our financial institutions should be changed. As I look at that proposal, I ask the same questions my constituents are asking: Shouldn't there be some limits on governmental power? Isn't this going a bit far? Indeed, I think it is a legitimate question, and I wanted to address it for a moment.

First, let's understand a fundamental truth about the economy. That is that all wealth comes from taking risks. Farmers take risks when they plant seeds, not knowing what the weather is going to do. Businessmen and women take risks when they open businesses, not knowing what the market is going to do. New wealth comes out when we have a bumper crop. New wealth comes out when a business started in a garage turns into Hewlett Packard, but in every instance you take risks.

The second element that has to be added to risk-taking is the access to accumulated wealth. Sometimes it comes by a wealth you have accumulated yourself. Sometimes it comes from loans from your brother-in-law. Sometimes it comes from running up your credit card. Sometimes it comes from venture capitalists. In many instances, it comes from banks. But you take a risk, and you have to have access to some kind of accumulated capital or you cannot create new wealth.

All right. Why do people take risks? Because they expect there will be a reward in the form of a return on the capital they have taken. Whether it comes from a bank loan that they can pay back or from investor capital that will then receive dividends, there will be a reward. The risk/reward relationship is at the base of the growth and power of the American economy.

In the present crisis, we have had people saying: Yes, but there are some entities that are simply too big to fail, we must not allow them to fail, and particularly in the financial services industry. So that is why we have this proposal today from the Obama administration. They want to deal with systemic risk, as they call it, or those tier 1 entities which they describe as what I have just said: They are too big to fail and we are not going to allow them to fail, and this is the regulatory regime we will set up.

If there are companies or entities that are too big to fail, this regime is too big to function. It is so focused on preventing failure that it is stacked in such a way that it will penalize the risk taker and prevent the risk taker from taking a risk and therefore not reap any kind of a reward.

There is a heavy emphasis on consumer protection. I am all for that. I think we should have all of the kinds of regulations that say you need labels on things that might not be safe. That protects the consumer. You need nutritional information on things that might make you too fat, which protects the consumer. But let's not protect the consumer to the point where they cannot buy anything or, in this case, protect the system from any possible failure to the point that there is no risk and therefore ultimately no reward. By giving the Federal Reserve the kinds of powers this proposal does, we are moving down that road, and once again we are raising the question: Are there no limits on the amount of power that government can have and accumulate?

I am convinced that if this massive, new expansion of power in the hands of the government goes forward unimpeded, we will see the shutting off of sources of credit and therefore the contraction of the economy and ultimately the need for more bailouts, more expenditures of Federal funds to try to keep entities alive. They can stay alive if they can attract capital from the private markets, but that is risky. So if we say: No, we are not going to allow the risks, we shut off the incentive of the private market to invest in some of these entities or to loan money to some of these entities. And then we say: But the entity is so important to our economy that we cannot allow it to fail. So we turn to the taxpayer and say: Let's put more taxpayer money into the entity because it is too big to fail.

That is what I see down the road for this proposal. I may be wrong. But I point out that we in the Congress have, by law, created a commission to study what caused the present mess we are in and report back to the Congress. We wrote into that law a specific date—December 15, 2010—to make sure the commission had enough time to examine all of the possibilities, to delve deeply enough into the issue to fully understand it, and then report back to us with their findings. Now we are being told: Forget the commission. Forget the analysis of what happened. We

think we know. Let's put this regulatory regime in place—one that is too big to function—now. Let's do it quickly. Let's have it done by the August recess. All right, we can't get it done by the August recess. We are going to have health care done by the August recess, so we will do it before Halloween, or whatever artificial date some may choose to put on it.

The reality is, the issue is huge, the issue needs to be examined carefully, and we need to do it within the parameters of the basic suspicion the Founding Fathers had about the government. We should do it with an understanding that there are limits to government power and that government power has the capacity to damage the economy every bit as much as it has the power to help it move forward.

Mr. President, I say let's not move with the speed and haste we are hearing about this proposal. Let's subject it to the most careful examination we possibly can throughout the processes of Congress, and let's make sure that when we do make regulatory changes with respect to the financial institutions, we do them in a way that will not fail and that can properly function.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

ENERGY

Mr. DORGAN. Mr. President, I wish to visit about two issues, the first of which is a bill we passed out of the Senate Energy Committee earlier this morning. I wish to give some context to what we have done. It will perhaps not get as much notice as it should. Yet, it will be headed to the floor of the Senate to deal with energy policy, and it affects everybody virtually all of the time.

All of us get up in the morning and in most cases, flick a switch and turn something on. We plug something in or turn a key for an engine or a lightbulb or a toaster or an electric razor. In every way, energy affects our lives in a very profound manner, and what we did has a significant impact on our daily lives.

First, I will describe part of the challenge.

Every single day we stick little straws in the earth and suck out oil. Every single day, there are about 84 million barrels of oil taken out of the earth. It is a big old planet with a lot of people living on this planet, and of the 84 million barrels of oil we take out every day from the earth, one-fourth of it is destined to be used in the United States. We use one-fourth of the oil every day. Why? We have a standard of living in a big old country that is far above most other places in the world, and we want to drive vehicles. We use oil in a very substantial way. We have an enormous appetite for oil.

So here is the deal. One-fourth of all oil produced comes here because we need it and nearly 70 percent of the oil we use comes from outside of our country. Much of the oil produced comes from very troubled parts of the world, such as Saudi Arabia, Iraq, Venezuela, and other countries. So 70 percent of the oil we need comes from outside of our country and nearly 70 percent of the oil we use is used for our transportation system. So you see the dilemma here is that we are unbelievably dependent and vulnerable on something over which we have very little control. By that I mean that if, God forbid, tonight terrorists interrupted the supply of oil coming to this country from other countries, this economy of ours would be flat on its back. We are unbelievably dependent on oil from other countries, and we have to begin reducing our dependence. How do we do that?

By the way, as dependent as we are, we need to visit the events of last year once again and remember what happened: Speculators took control of the oil market and drove the price of oil to $147 a barrel in day trading. The price of gasoline went up to $4 to $4.50 a gallon. There was no excuse or justification for it. There was nothing in supply and demand that justified the price of oil and therefore the price of gasoline going up like a Roman candle and then in July last year starting to come right back down. The speculators, who made all the money on the way up, made the same money on the way down. The consumers who drove cars and pulled up to fill up with unbelievably expensive gasoline were the victims. Still nobody has done the investigation to ask the questions who did this and how did it happen. How is it that when the supply of oil is up and demand is down even while price rose?

I was prepared to offer an amendment this morning to the Energy Committee. I didn't have the votes to offer it, so I simply described it. I will offer it on the floor when the bill gets here. It requires the investigation and gives the Energy Information Administration the requirement to investigate and authority to subpoena information to to find out what happened. We need to do that to make sure it doesn't happen again. The price of oil is on the rise now, and it has gone from $38 to $70 a barrel even as supply is up and demand is down. Describe that to me, in terms of a market, how that works. It doesn't make any sense.

That is a little background of where we find ourselves. We are unbelievably dependent upon oil, much of which comes from troubled parts of the world, over which we have little control. We need to be less dependent on oil. How do we do that? We wrote an energy bill in the Senate Energy Committee that does a lot of everything. I believe in doing a lot of everything. I believe we ought to produce more oil and natural gas here onshore and in the Outer Continental Shelf. We should conserve more because we are prodigious wasters of energy. We should make all the things we use more efficient. Efficiency is an unbelievable component of what we can do to save energy. Further, we should maximize the capability of producing renewable energy.

The fact is, energy from the Sun shines on this Earth every day far in excess of the energy we need. If we are just smart enough and capable enough of doing all the research and science that allows us to use all that energy, then we can make progress.

The wind blows every day. At least where I come from, it blows every day. The Energy Department calls my State the Saudi Arabia of wind. So we take the energy from the wind and produce electricity. The fact is, once we put the turbine up, we can gather electricity from that wind for 30 years at very low cost.

I believe we ought to do everything, and that is what we have tried to do in this legislation. Key to that is not just collecting energy from the wind and turning it into electricity; it is also about being able to move it where it is needed.

I come from a sparsely populated State. My State is 10 times the size of the State of Massachusetts in terms of landmass and has only 640,000 people living in it. We don't need the additional energy produced from wind farms. We don't need that additional energy in my State. But we need it in the larger load centers in this country. In order to get it there, what we need to do is build an interstate highway of transmission capability which is capable of producing renewable energy where it is produced and then move it to where it is used. This is not rocket science.

We did this with highways in the 1950s. President Eisenhower and the Congress said: Let's build an interstate highway system, and they moved forward. In parts of rural areas, one might say: How can you justify building four lanes between towns where very few people live? Because we are connecting New York with Seattle, that is why. That is what the interstate was about—connecting America.

The same is true with respect to the need for transmission. What we have put in this legislation addresses the issues that have so far prevented us from building the transmission capability we need in this country. What are the key issues? Planning, siting, and pricing. If you cannot plan for, site or price them, then nobody is going to build them. All of those issues are critical to building an interstate transmission system.

In the last 9 years, we have built almost 11,000 miles of natural gas pipeline in this country. During the same period, we have only been able to build 668 miles of high voltage transmission lines interstate. Isn't that unbelievable? Why can't we do it? Because we

have all these bifurcated jurisdictions that can stop it, saying: Not here; not across my State lines.

We have passed legislation this morning that carries out some important things. This includes my amendment to open the eastern Gulf of Mexico for additional oil and gas production. That makes sense to me. I have a chart that shows what I did with this amendment.

I know one of my colleagues was on the floor having an apoplectic seizure about this suggestion of opening the eastern Gulf of Mexico for oil and gas exploration. He suggested that it was going to impede and cause all kinds of difficulties with the routes over which we have sophisticated, important military training.

I have been working with a group of retired military and business leaders on an energy plan. They are members of the Energy Security Leadership Council. In April, Senator VOINOVICH and I introduced the plan which we called the National Energy Security Act. Let me describe a little about the membership of that group. By the way, that group understood that the western and central Gulf are open for production. They believe that the eastern gulf should be open as well because there are substantial reserves of oil and natural gas in this eastern area. It can be done in a way that does not compromise our military readiness.

Among the membership of this group is former GEN P.X. Kelley; GEN John Abizaid; ADM Dennis Blair; ADM Vern Clark; GEN Michael Ryan; and GEN Charles Wald; and others. These are some of the highest military officials who have served this country, all of whom have retired, but all of whom also believe this area should be open for development.

Would they suggest that if this somehow would impede a military training area? Of course not. We have military training areas in the central and western gulf, and there is no issue there. There is no conflict.

This legislation is landmark in many ways. I was one of four Senators who opened this little area. Four of us—Senator Domenici, Senator BINGAMAN, Senator Talent and myself—offered legislation to open lease 181 in the gulf. That was about 3 years ago. That was opened, but it changed substantially before it was opened. This is another attempt to open that area, which should be open in the eastern gulf.

I understand there are people upset with it. They say: You can't open it for drilling. Let me show what my proposition is in terms of doing it responsibly: The states control the first 3 miles. After that, there would be no visible infrastructure allowed in the line of sight so you cannot see anything. Beyond, 25 miles there would not be restrictions. The fact is, I think what we ought to do this in a way in order to be sensitive to the coastal States. I am not interested in putting oil wells right off their beaches. That is not the point. My point is, if we are going to have an energy bill that solves America's energy problem by making us less dependent on foreign energy and especially foreign oil, then we ought to do something of everything to make that happen.

Does it include drilling and additional production? The answer is yes. Does it include substantial conservation? Absolutely. Efficiency? Yes. Maximizing renewables? Certainly. What else? We need to move toward a future in which we will have an electric drive system of transportation, by and large, and we will also then, in the longer term, transition to hydrogen fuel cell vehicles.

All of that is accomplished if we can make us less dependent on oil from outside our country by producing more here and conserving more here and then producing substantial amounts of additional energy from renewable energy such as wind and solar. We can produce electricity to put on a grid, a modern interstate highway grid, to move what we produce to where we produce it to where the loads are and where the load center is needed.

This is not some mysterious illness for which we do not know the cure. This is an energy policy that we know will work if we just will decide to do a lot of everything that represents our own self-interest: produce more, increase energy efficiency, and maximize renewables.

I have not mentioned one final point, and that is this: Our most abundant resource is coal. Yesterday I was reading, once again, a prognosis that we cannot use coal in the future. Of course, we can use coal, but we have to decarbonize it and use it much more efficiently. There are a lot of inventive scientific folks out there who are doing cutting edge research that will allow us to continue to use our most abundant resource—coal.

I talked about opening up fields of oil and gas production. I am making substantial investments through the appropriations subcommittee that I chair with respect to decarbonizing coal.

I am convinced we can build near zero emission coal-fired electric generation plants. I am convinced of that.

I know one of America's most prominent scientists who is working right now on something that is fascinating. He is working on developing synthetic microbes to consume coal from which would then produce methane gas. Wouldn't that be interesting? If you create a synthetic microbe to simply consume the coal and after consumption, the microbe turns coal into methane gas.

For example, there is another scientist in California who testified at a hearing I chaired recently about capturing carbon from a coal plant by capturing the flue gas and using the CO_2 by turning it into a value-added product that for making concrete which has value in the marketplace. This would help bring down the cost of decarbonizing coal.

I don't know. We have solved a lot of difficult problems in our past. We can surely solve these problems in our future if we are just smart and do a lot of things that work well for our country.

Mr. President, I compliment my colleagues—Senator BINGAMAN, Senator MURKOWSKI, and other Democratic and Republican colleagues on this committee. We have worked on this energy bill for some months. It has taken us a while to get to this point. But today, at long last, we passed this legislation by a bipartisan vote of 15–8. We will have it on the Senate floor at some point. We will have further debate about points of it. It is exactly what we ought to be discussing: How do we make America more secure? How do we make America less dependent on foreign oil and things over which we have no control or very little control? We must develop an energy program at home that makes a lot of sense, that does a lot of everything, and does it very well. I am happy say that we have made a positive step in that direction this morning in the Energy Committee.

FINANCIAL REFORM

Mr. President, I wish to talk about one other issue today, and that issue is something that has been announced by the President this afternoon. It deals with the President's plan for financial regulation. I know my colleague from Utah just described it from his perspective. I have great respect for him. Let me describe from my perspective why it is necessary for us to have a financial regulation package that requires some reform in those areas as well.

I don't think there is anything we can do in the Congress or that President Obama can do that is more important for the future of this country and lifting this economy and trying to put it back on track in a way that expands opportunity and creates jobs than to try to instill some confidence in the American people.

As I have said a dozen times on the floor of the Senate, this is all about confidence. We have all kinds of sophisticated things we work on and tax policy and M–1 B and all these other issues. None of it matters as much as confidence. When the American people are confident about the future, they do the things that expand the economy. They buy a suit of clothes, they take a trip, buy a car, buy a house. They do the things that represent their feeling that the future is going to be better. They feel secure in their job and in their lives, so they do things that expand the economy.

If they are worried about their job, if they are wondering whether the economy will allow them and their family to continue to pay all their bills, when they are not confident about the future, they do exactly the opposite. They contract the economy. They defer those purchases. They make different judgments. We are not going to buy the suit of clothes, not take that trip, won't buy the car or the house. They

contract the economy. That is why everything rests on confidence by the American people going forward.

Just answer the question: How on Earth can people be confident about this economy unless we fix that which caused this wreck, that which steered this economy into the ditch and is now causing 550,000, 600,000 people every month to have to come home and tell their loved one: I have lost my job. No, not because I was doing bad work; I was told they are cutting back at the office or the plant.

This economy has in recent years been an economy with an unbelievable bubble of speculation about a lot of things, and at the same time there was unbelievable negligence in oversight by those the public has hired in Federal agencies to do the oversight of what was going on. We wake up one morning and we discover there are hundreds of trillions of dollars of exotic financial products called CDOs and credit default swaps and all kinds of strange names that are very complicated with unbelievable embedded risk. We don't know who has them, we don't know how much risk is out there. All of a sudden things start collapsing, the economy goes into a ditch, and we are in huge trouble.

How did it all happen? Was someone not watching?

Yes, that is the point; someone was not watching for a long period of time.

The President has talked about the need for financial reform, and today he has described at least an initial portion of what he would like to do. I think many of us share his feelings about the need for effective regulation. That is not rocket science given what we have been through.

Let me say this. Effective regulation is something that I think, from my personal observation, is probably not going to come from the Federal Reserve Board. Let me talk just about where the location of this regulation is or should be.

The Federal Reserve Board, in my judgment, essentially became a spectator for a long period of time under then Fed Chairman Alan Greenspan who believed that self-regulation was by far the best. Let everybody do what they will and they will do in their self-interest what they believe is right and self-regulation will be just fine.

It turns out it was an unbelievably bad decision. But the problem is, to set up the Federal Reserve Board as the systemic risk regulator is to set up a systemic risk regulator that is unaccountable. The Federal Reserve Board is unaccountable. It is not accountable to the Congress, not accountable to the President.

So in addition to establishing an unaccountable entity, it is also an entity that operates in great secrecy. I give the President great marks for suggesting we have to have more effective regulatory capability. I am sure we will have discussions about exactly where should that regulation exist, who should be responsible, how do you get it right. I do hope we can have a discussion about whether the systemic risk regulator should or could be an entity that is not accountable and one that operates in substantial secrecy. My feeling is there is a much better way to do that, No. 1. No. 2, while there are a lot of details I will not describe today, I still am interested in this question of whether we will confront—and I don't know that from the President's description today whether we will—the issue of too big to fail.

It seems to me this issue of too big to fail is no-fault capitalism. That is, if we don't address this question of too big to fail—which has caused us enormous angst, in recent months especially—we will ultimately have to confront the issue once again down the road when it is very expensive again to do so.

I do think there is a requirement here for us to support the President in deciding that there needs to be regulation that gives people confidence that someone is minding the store. When I said that all of this rests on a foundation of confidence, I mean if we do not restore the regulatory functions in a manner that the American people see as just and fair, and most especially effective, I don't think we will restore the kind of confidence that is necessary to begin building and expanding this economy once again.

Again, I give the President substantial credit today for saying this is an important issue. Let us get about the business of doing it. He has offered us a description that now gives us a chance to discuss how we begin to put the pieces back together of what is the most significant financial wreck since the Great Depression. This was not some natural disaster, such as some huge hurricane or some big storm that came running through. This disaster was manmade, and we need to make sure we put in place the things that will prevent it from ever happening again.

There will be, I am sure, much more discussion about this in the coming days. Again I thank the President for beginning this discussion because it is essential, as we begin to try to build opportunity in this economy once again, to restore the confidence of the American people by saying we are going to have effective regulatory capabilities to make certain we don't have this unbelievable bubble of speculation that helped cause the collapse of our economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1282 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Maryland.

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

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

MODERN DAY SLAVERY

Mr. CARDIN. Mr. President, I take this time to share with my colleagues a problem—a worldwide problem—that we thought was left behind in the 20th Century—slavery. I am talking about modern slavery, the human trafficking that takes place around the world.

Yesterday, as Chairman of the U.S. Commission on Security and Cooperation in Europe, the Helsinki Commission, I was privileged to join Secretary of State Clinton at the State Department for the official release of the Ninth Annual Trafficking in Persons Report. This is a vital diplomatic tool. It is put out every year by the United States. We have been doing this now for almost 10 years. It lists every country and the current status of trafficking in their country. Some countries are origin countries, others allow trafficking through their countries, and other countries are receiving countries.

This report is an objective yardstick so that we know exactly what is happening in each one of these countries. It is a valuable tool for us to put an end to the trafficking in human beings used for slavery or sex or for other illegal type purposes.

It was interesting that the Secretary of State, Secretary Clinton, also released the Attorney General's Report to Congress: An Assessment of U.S. Government Activities to Combat Trafficking in Persons. This is the first time we have had this report. This report talks about what is happening in our own country, in the United States. Because we think it is important, if we are going to lead internationally, that we lead by example of what we do in our own country in order to stop trafficking in human beings.

The Department of State's Office to Monitor and Combat Trafficking utilizes our vast network of embassies and consulates throughout the world to compile the most comprehensive report of its kind. It is an objective yardstick we should be using more and more to press every country in the world to do more to stop modern slavery. The United States has shown great leadership on this issue, and I commend Secretary Clinton for the incredible leadership she has demonstrated, making it a priority topic for the United States nationally and internationally.

When Secretary Clinton was Senator Clinton, she served on the Helsinki Commission and was one of our leaders in forming a policy within the United States-Helsinki Commission to raise the issue of trafficking in persons. As a result of the work of the U.S. commission and the leadership of our country, we were able to get the Organization for Security and Cooperation in Europe, OSCE, to make this a priority; To adopt policies within OSCE so every

member state, all 56, would adopt a strategy to first understand what is happening in their own country, to take an assessment as to where they are in trafficking; then to develop a strategy to improve their record, adopt the best practices as we know, what has worked and what has not worked; and then to make progress to root out trafficking in their own country. Again, whether they happen to be an origin country or whether they happen to be the host country or whether they just happen to be a transit country in which persons are trafficked through their country, they need to adopt a strategy that will help rid us of this modern-day slavery.

I am very proud of the role the United States has played, our government has played, and the Helsinki Commission has played. I wish to call this matter to the attention of our colleagues. I found the ongoing work of the Office to Monitor and Combat Trafficking and the Trafficking in Persons Report extremely useful in engaging the 55 participating states of the OSCE. We use this document frequently when we meet with our colleagues or when they travel to the United States to meet with us, to say: What are you doing about this? This tells us you could do a better job in law enforcement. You need to recognize that those who are trafficked are victims. They are not criminals, they are victims, and you need to have a way to take care of their needs.

The report continues to function as a working document, frequently cited and invoked to promote adherence to numerous human rights commitments and the principles of the Helsinki Act.

Some of the most striking parts of this year's report—besides the staggering estimates by the International Labor Organization that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time—are the wrenching victims' stories themselves.

We know trafficking is connected to organized crime. We know that. This is not just isolated trafficking of people, it is also part of an organized effort, criminal efforts that we need to root out. But we sometimes forget that the women, children, and men who are trafficked are victims and we must treat them as victims, with respect and dignity. That is a success story. We have made progress. Tougher law are being adopted.

Take Xiao Ping of China. Now 20 years old, her testimony in the State Department report says that:

> She spent most of her life in her small village in Sichuan Province. She was thrilled when her new boyfriend offered to take her on a weekend trip to his hometown. But her boyfriend and his friends instead took her to a desert village in the Inner Mongolia Autonomous Region and sold her to a farmer to be his wife. The farmer imprisoned Xiao Ping, beat her, and raped her for 32 months. . . . Xiao Ping's family borrowed a substantial sum to pay for her rescue, but the farmer's family forced her to leave behind her 6-month-old baby. To cancel the debts, Xiao Ping married the man who provided the loan. But her husband regarded her as 'stained goods,' and the marriage did not last.

Tragic scenarios like this will continue unless all countries—whether a point of origin for the sex trade, a transit point for slaves whose criminal traffickers are undetected by law enforcement, or a destination for a forced child laborer, work together to increase prosecution of these crimes. In concert with the immense awareness raising efforts of the Trafficking in Persons Report, the exchange of U.S. policies and countertrafficking mechanisms throughout the OSCE region has resulted in a steady increase in the number of countries with enacted antitrafficking legislation. That is a success story. We have made progress. Tougher laws are being adopted.

Probably even more important, we are developing attitudes in countries that this cannot continue, it is not something you can just overlook. I must tell you, these reports that were issued, now for almost 10 years, have played a critical role. The United States should be proud of what we have been able to do to call world attention to this issue.

According to the State Department's report, a young woman from Azerbaijan, Dilara, had a sister who:

> . . . had been tricked into an unregistered marriage to a trafficker who later abandoned her when she got pregnant. When Dilara confronted her sister's traffickers, she herself became a victim. She ended up in Turkey, where she and other abducted girls were tortured and forced to engage in prostitution. Dilara escaped with the help of Turkish police, who promptly arrested the nine men who trafficked Dilara and her sister.

They were some of the lucky ones. Dilara and her sister found help from a local NGO, including job training, and now she works and lives her life as a free woman in Baku.

From some of these tragedies we have seen heroic actions taking place, some encouragement that we are making progress.

Prostitution is not the only form of involuntary servitude outlined in this latest report. It contains true stories like: a family in India that were bonded laborers at a rice mill for three generations until freed with the help of NGOs; young boys in the Democratic Republic of Congo abducted from their school by a militia group and tortured until they submitted to serving as soldiers; and an 8-year-old girl from Guinea given away as an unpaid domestic servant after her mother and brother died.

These are real people. These are real stories.

The U.S. is not immune from the problems of modern day slavery. The 2009 Trafficking in Persons Report highlights a young girl brought to California from Egypt by a wealthy couple who forced her to work up to 20 hours a day for just $45 a month. And earlier in June, more than a dozen Filipinos were rescued from hotels in Douglas and Casper, WY, where they were working with minimal pay and forced to live in horrendous conditions. Their ''employment agency'' purposefully allowed their work visas to expire so they would be trapped into servitude as illegal aliens. A Federal grand jury brought forward a 45-count indictment on racketeering, forced labor trafficking, immigration violations, identity theft, extortion, money laundering, and other related violations in Wyoming and 13 other States.

These are criminal elements. Fortunately we are starting to see prosecutions of people involved in these activities.

We want to end this modern day slavery—as human beings we need to end this slavery—in the United States and around the world. Involuntary domestic servitude, sex trafficking and forced labor should not be acceptable in any 21st century civilization.

The OSCE has a unique role in generating instruments that empower governments to end human trafficking. Each year, the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings also prepares a report that outlines the trends and developments of countertrafficking efforts in the OSCE region. This report has been instrumental in promoting the establishment of national rapporteurs, consistent data collection practices, and standardized law enforcement policies to ensure more robust cooperation to end modern slavery. It is used around the world so people can see how to better prepare their own country to identify trafficking and help its prosecution.

The OSCE efforts closely complement the Trafficking in Persons Report and demonstrate a close partnership with the efforts of the Office to Monitor and Combat Trafficking. I truly hope this close partnership continues to flourish.

We were instrumental in getting OSCE to have the capacity to do this, and Congress was instrumental in getting the State Department to make these annual reports. Now we have the documents. Now we have the evidence. We know progress can be made. We have seen progress made. But until we rid our civilization of modern-day slavery, we have not accomplished our goal.

Let's take these reports, use these reports so we can bring this to an end and help those who have been victimized through traffickers.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). 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 (Mr. BURRIS). Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, the nomination of a new Justice to the Supreme Court of the United States brings to our minds a core question, both for the Senate and the American people, and that is: What is the proper role of a Federal judge in our Republic?

Answering this question is not simply an academic task, it is fundamental to what we will be doing here. How the American people and their representatives and their Senators, the ones who have been delegated that responsibility, answer that question impacts not only the future of our judiciary but I think the future of our legal system and the American experience.

In traveling the world as part of the Armed Services Committee, I am more convinced than ever before that the glory of our American experience, our liberty, and our prosperity is based on the fact that we have a legal system you can count on. When you go to places such as Afghanistan or Iraq or Pakistan or the West Bank or Bosnia and you see people—and they cannot get a legal system working. It does not work, and people are not protected, in their persons, from attack, and their property is not protected, contracts often are not enforced properly. That just demoralizes the country. It makes it very difficult for them to progress.

I am so proud of the American legal system. It is something we inherited, we built upon. It is the bulwark for our liberty and our prosperity.

So we ask this question: What do judges do? Do they faithfully interpret our Constitution and laws as written or do they have the power to reinterpret those documents through the lens of their personal views, backgrounds, and opinions?

Is the Judiciary to be a modest one, applying the policies others have enacted, or can it, the Judiciary, create new policies that a judge may desire or think are good?

When the correct answer to a legal case is difficult to ascertain, is a judge then empowered to remove his or her blindfold, that Lady of Justice with the blindfold on holding the scales? Can they remove the blindfold and allow their personal feeling or other outside factors to sway the ultimate decision in the case?

I am going to be talking about that and addressing those questions in the weeks to come. But I do think we need to first begin at the source. We must return to the words and ideas of those who founded our Nation, whose foresight resulted in the greatest Republic this world has ever known and the greatest legal system anywhere in the world.

It is clear from reviewing these words and ideas and ideals, particularly as expressed in the Constitution itself, that our Founders desired and created a court system that was independent, impartial, restrained, and that, through a faithful rendering of the Constitution, serves as a check against the intrusion of government on the rights of humankind.

The Founders established a government that was modest in scope and limited in its authority. In order to limit the expansion of Federal Government power, they bounded the government by a written Constitution. Its powers were only those expressly granted to the government. As Chief Justice John Marshall famously wrote:

> This government is acknowledged by all to be one of enumerated powers.

Enumerated means the government has the power it was given and only those powers it was given. If you will recall the Constitution starts out:

> We the people of the United States of America, in order to establish a more perfect Union . . .

So the people established it, and they granted certain powers to the branches of government. But those powers were not unlimited, they were indeed limited. They were enumerated and set forth.

But our Founders knew these limitations, history being what it is, standing alone were not enough. So they created three distinct branches of the government, creating a system of checks and balances to prevent any one branch from consolidating too much power. The Constitution gives each branch its own responsibility.

Article I of the Constitution declares:

> All legislative powers, herein granted shall be vested in a Congress of the United States.

Article II two declares:

> The executive power shall be vested in a President of the United States.

And Article III declares:

> The judicial power of the United States shall be vested in one Supreme Court.

And such other Courts as the Congress creates.

These words are unambiguous. The Judiciary possesses no power to make law or even enforce law. In Federalist No. 47, one of our Founding Fathers, James Madison, cites the Constitution of Massachusetts which states:

> The judicial shall never exercise the legislative and executive powers, or either of them, to the end that it may be a government of laws and not of men.

So Madison, in arguing for the Constitution, trying to convince the Americans to vote for it, quoted the Massachusetts Constitution—this provision in it, with approval stating that is essentially what we have in our Federal Government.

Madison was a remarkable man.

He went on to describe the separation of powers as the ''essential precaution in favor of liberty.'' Alexander Hamilton, in Federalist No. 78—written to encourage Americans to support the Constitution—quotes the French philosopher, Montesquieu, who said:

> There is no liberty if the power of judging not be separated from the legislative and executive powers.

The judicial branch, then, is limited to the interpretation and application of law—law that exists, not law they create. At no point may its judges substitute their political or personal views for that of elected representatives or to the people themselves—the people's will having been permanently expressed in the Constitution that created the judiciary.

To gain a deeper understanding of this role, it is instructive to look further in Hamilton's Federalist No. 78, widely regarded as one of the definitive documents on the American court system. In it Hamilton explains that ''the interpretation of the law is the proper and peculiar province of the courts. The constitution . . . must be regarded by the judges as a fundamental law. It therefore belongs to them to ascertain its meaning.''

Judges do not grant rights or remove them. They defend the rights that the Constitution enumerates. So it is thus no surprise that Hamilton says a judge must have an ''inflexible and uniform adherence to the rights of the Constitution.''

In order to ensure that judges would consistently display such adherence to the Constitution in the face of outside pressures, our Framers took steps to ensure that the judiciary was independent from the other branches and insulated from political interference. As was often the case, the Framers were guided by the wisdom of their own experience. They had a lot of common sense in the way they dealt with things.

In England, colonial judges were not protected from the whims of the King. Included in the Declaration of Independence's litany of grievances is the assertion, when Jefferson was setting forth the complaints against the King, he asserted that the King had ''made Judges dependent on his Will alone, for the tenure of their offices . . .''

That was a complaint. That was one of the things we objected to in the way the King was handling the people in the Colonies. That was part of the Declaration. When the Constitution was drafted, that matter was fixed.

In order to shield the courts from the threat of political pressure or retribution, article III effectively grants judges a lifetime appointment, the only Federal office in America that has a lifetime appointment. We have to answer to the public. So does the President. It also specifically prohibits Congress from diminishing judicial pay or removing judges during times of good behavior. So Congress can't remove a judge or even cut their pay. Hamilton referred to this arrangement as ''one of the most valuable of modern improvements in the practice of government.'' He went on to say that he saw it as the best step available to ''secure a steady, upright, and impartial administration of the laws.''

So Madison hoped the courts, set apart from the shifting tides of public opinion, would be better suited to act as ''faithful guardians of the constitution'' to stand against ''dangerous innovations in government.'' In other

words, courts are removed from the political process not so they are free to reinterpret the Constitution and set policy, but so they are free from the pressures of those who would encourage them to do just that.

The Framers also understood that the courts, as an unelected branch of government with a narrow mandate, would also necessarily be the weakest branch. Hamilton wrote that whoever looks at the ''different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. . . .It may truly be said to have neither force nor will, but merely judgment. . . .''

So in light of this narrow mandate that judges have been given, judges have understood from time to time that they ought not to be drawn into the political thicket; that they ought to decline to answer questions that they felt were more appropriately to be addressed by the political branches of government. Typically, this distant approach has been invoked when the Constitution has delegated decision-making on a particular issue to a particular branch, when the court finds a lack of ''judicially discoverable and manageable standards'' to guide its decision-making, or when the court feels it best not to insert itself in a conflict between branches. That is what is happening. They are showing restraint and discipline. This is an example of judicial restraint because it respects the powers of the other branches and the role of elected representatives rather than the appointed judges in establishing policy.

This is not an academic exercise or an abstract hypothetical. Judicial activism has enormous consequences for every American because if judges who are given a lifetime appointment and guaranteed salaries are given the power to set policy, then that is an anti-democratic outcome because we have created someone outside the political process and allowed them to set policy for the country and they cease to be accountable to the American people.

The men and women of the Supreme Court hold extraordinary power over our lives. It takes only five Justices to determine what the words of the Constitution mean. You may think it is nine; it is really just five. If five of the nine agree that the Constitution means this or that, it is as good—hold your hats—as if three-fourths of the States passed a constitutional amendment along with the supermajority votes of the Congress. So this is a powerful thing a Supreme Court Justice possesses, the ability to interpret words of the Constitution.

When Justices break from the ideal of modest and restrained practices, as described by Hamilton, they begin creating rights and destroying rights based on their personal views, which they were never empowered to do. The temptation to reinterpret the Constitution leads judges, sometimes, to succumb to the siren call of using that opportunity they might possess to enact something they would like to see occur.

Maybe somebody will write in a law review that they were bold and courageous and did something great. We have seen some of these actions occur. Under the power to regulate business and commerce the government is given, our Supreme Court recently ruled that carbon dioxide, which is a naturally occurring substance in our environment—when plants decay, they emit carbon dioxide; when they live, they draw in from the air carbon dioxide; it is plant food—they ruled that it was a pollutant. As a result, regardless of how you see that matter, I think when the statute was passed they gave EPA regulation to control pollution in the 1970s long before global warming was ever a consideration; that Congress had no contemplation that it would be used to limit carbon dioxide some years later. But that is what the Court ruled.

I only say that because that was a huge economic decision of monumental proportions. It called on an agency of the U.S. Government to regulate every business in America that uses fossil fuels. It is a far-reaching decision. Right or wrong, I just point out what five members of the Court can do with a ruling, and that was five members. Four members dissented on that case.

At least two members of the Supreme Court concluded that the death penalty is unconstitutional because they believe that it is cruel and unusual as prohibited by the eighth amendment to the Constitution. They dissented on every single death penalty case and sought to get others to agree with them. Some thought others might agree with them. But as time went by, they have now left the bench and no other Judges have adhered to that philosophy. But I would say that it is an absolutely untenable position because the Constitution itself makes at least eight references to the death penalty. It is implicit in the Constitution itself. It says the government can't take life without due process. So that contemplates that there was a death penalty, and you could take life with due process.

The Constitution also refers to capital crimes and makes other references to the death penalty. Every single Colony, every single State at the founding of our government had a death penalty. It is an abuse of power for two Judges to assert that the eighth amendment, which prohibited drawing and quartering and other inhumane-type activities, actually should be construed to prohibit the death penalty. That is judicial activism. They didn't like the death penalty. They read through the Constitution, found these words, and tried to make it say what it does not.

So the question is not whether these policies are good or bad, whether you like the death penalty or not. That is a matter of opinion. And how one believes that global warming should be confronted is not the question. The question is whether a court comprised of nine unelected Judges should set policy on huge matters before the country that we are debating in the political arena.

Should that not be the President and the Congress who are accountable to the voters to openly debate these issues and vote yes or no and stand before the people and be accountable to them for the actions they took? I think the Constitution clearly dictates the latter is the appropriate way.

A number of groups and activists believe the Court is sort of their place and that social goals and agendas they believe in that are not likely to be won at the ballot box, they have an opportunity to get a judge to declare it so. We have the Ninth Circuit Court of Appeals en banc ruling that the Pledge of Allegiance to the Constitution is unconstitutional because it has the words under God in it. Actually, that has never been reversed. It has been vacated in a sense because the Supreme Court rejected it on, I think, standing grounds. But at any rate, those are the things that are out there. It is not in the Constitution. This is a bad course for America.

If the judiciary heads further down that path, then I think we do have dangers because we are actually weakening the Constitution. How can we uphold the rule of law if those who weigh the scales have the power to tip them one way or the other based on empathy, their feelings or their personal views? How can we curb the excess of Federal power if we allow our courts to step so far beyond the limits of their legitimate authority? How can the least among us depend on the law to deliver justice, to protect them, to steadfastly protect their liberties, if rulings are no longer objective and if a single judge has the power to place his or her empathy above the law and the evidence?

So with these fundamental questions in mind, I hope the comments I make in the weeks to come will be of some value as we talk about the future of the judiciary, what the role of a judge ought to be on our highest court, and to uphold our sacred charter of inalienable rights.

So let me repeat, I love the American legal system. I am so much an admirer of the Federal legal system I practiced in for 15 years before fabulous judges. They were accused sometimes of thinking they were anointed rather than appointed. But I found most of the time—the prosecutor that you are—they did follow the law and they tried to be fair. I think the independence we give them is a factor in their fairness and something I will defend. But there is a responsibility that comes with the independence judges get. And that responsibility is that when they get that bench

and they assume that power, they not abuse it, they use integrity, they are objective, and they show restraint.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

NOMINATION SONIA SOTOMAYOR

Mr. DURBIN. Mr. President, I listened carefully to the statement of my colleague, Senator SESSIONS, from Alabama, who is the ranking Republican in the Senate Judiciary Committee, who is charged with a special responsibility at this moment in history. Because with the retirement of Supreme Court Justice David Souter and the vacancy that has been created, the Senate Judiciary Committee has the responsibility to work with the President to fill that vacancy.

I am honored to be a member of that committee and to be facing the third vacancy since I have been elected to the Senate. It is rare in one's public political life to have a chance to have a voice or a partial role in the selection of one Supreme Court Justice. But to have a chance to be involved in the selection of three, for a lawyer, is quite an amazing responsibility.

Senator SESSIONS and I are friends, and we see the world somewhat differently. But I would say to him that I would quarrel with the notion that our laws are so clear that a judge, given a set of facts, could only draw one conclusion. What we find often is the opposite. Well-trained attorneys who become judges can look at the same law and the same facts and reach different conclusions. That is why, when it comes to appellate courts, it is not unusual to have a split decision. Different judges see the facts in a different context.

So to argue that we want judges who will always reach the same conclusion from the same laws and facts defies human experience. It is not going to happen. People see things differently. People read words differently. People view facts differently. Occasionally judges, faced with cases they may never have envisioned, see a need for change in our country.

There are times when I might agree with that change and times when I might disagree. In 1954, right across the street, in the Supreme Court, a decision was reached in Brown v. Board of Education. Fifty-five years ago, they took a look at the schools of America, the public schools of America, that were segregated, Black and White, and said: No, you cannot have separate and equal schools. That brought about a dramatic change in America: the integration of America's public education.

The critics said that Supreme Court had gone too far, they had no right to reach that conclusion. Well, I disagree with those critics. But some of them said they should have been strict constructionists, they should have left schools as they were; it was not their right to change the public school system of America. I think they did the right thing for this Nation.

Having said that, there are times when a Supreme Court has reached a decision which I disagree with. Most recently, this current Court—which is dominated by more conservative members, those who fall into the so-called strict construction school—had a case that came before them involving a woman. She was a woman who worked at a tire manufacturing plant in Alabama, if I am not mistaken. She spent a lifetime working there. Her name was Lilly Ledbetter. Lilly rose through the management ranks and was very happy with the assignment she was given at this plant.

She worked side by side, shoulder to shoulder, with many male employees. It was not until Lilly announced her retirement that one of the employees came to her and said: Lilly, for many years now, you have been paid less than the man you were working next to, even though you had the same job title and the same job assignment. This company was paying less to women doing the same job as men. She thought that was unfair—after a lifetime of work—that she would not receive equal pay for equal work.

So she filed a lawsuit under a Federal law asking that she be compensated for this discrimination against her—the reduction in pay she had faced and the retirement reduction which she faced as a result of it. It was a well-known law she filed her case under, giving each American the right to allege discrimination in the workplace, and she set out to prove it.

Her case made it all the way to the Supreme Court of the United States, across the street—the highest court in the land. This conservative, strict construction Court departed from all the earlier cases. The earlier cases had said something that was, I think, reasonable on its face. They looked at the statute, the law the case was brought under, and said Lilly Ledbetter had a specific period of time after she discovered the discrimination to file a lawsuit. I believe the period was 6 months. I may be mistaken, but I think that is a fact—that she had 6 months after she discovered she was discriminated against to file a lawsuit. And Lilly Ledbetter said: That is exactly what I did. When I learned I was discriminated against, I filed within that statutory requirement.

But the Supreme Court, across the street—the strict constructionists that they are—reached a different conclusion. Their conclusion was that the law did not mean that. The law meant she had to file the lawsuit within 6 months after the first act of discrimination. In other words, the first time she was paid less than the man working next to her, she had a clock starting to run, and she had 6 months to file the lawsuit.

Well, those of us who have worked outside government—and even those working in government, for that matter, to some extent, but those working in the private sector know it is a rare company that publishes the paychecks of every employee. You may be working next to someone for years and never know exactly what they are being paid.

That was the case with Lilly Ledbetter. She did not know the man standing next to her, doing the same job, was being paid more. She did not discover that until many years later.

So the Supreme Court said: Mrs. Ledbetter, unfortunately, you did not file your case in time. We are throwing it out of court. And they did. Strict constructionists, conservatives that they were, they departed from the previous court's decisions, which had given her and people like her the right to recover and limited that right to recover.

Well, in the name of Lilly Ledbetter, we changed the law to make it abundantly clear, so that neither this Supreme Court nor any Supreme Court in the future will have any doubt that it is 6 months after the discovery of discrimination, not after the first act of discrimination.

It was one of the first bills, if not the first bill, President Barack Obama signed. I happened to be there at the signing, and standing next to him, receiving the pen for that signature, was Lilly Ledbetter. She may not have won in the Supreme Court, she may not have come back with the compensation she was entitled to, but she at least had the satisfaction to know this Congress and this President would not allow the injustice created by that Supreme Court decision to continue.

So the Senator from Alabama came here and said: We do not need judges with empathy. That word has been stretched in many different directions. But if empathy means we do not need judges who understand the reality of the workplace, if empathy means we would say to Lilly Ledbetter: Sorry, you missed it, girl, you had 6 months to file that lawsuit from the first act of discrimination, the first paycheck—you missed it, and you are out of luck—if empathy would say that is not a fair or just result, I want judges with empathy. I want them to know the real world. I want them to know the practical impact of the decisions they make. I want them to follow the law. I want them to be fair in its administration. But I do not want them to sit high and mighty in their black robes so far above the real world that they could not see justice if it bit them. I think that is what empathy brings—someone who is at least in touch with this real world.

For the last several—2 weeks, I guess—the nominee of President Barack Obama for the Supreme Court, Sonia Sotomayor, has been meeting with the Members of the Senate. She had an unfortunate mishap and broke her ankle at La Guardia Airport, so I allowed her to use my conference room upstairs on the third floor, and there was a steady parade of Senators coming in to meet her.

I asked her this morning. She said: I have seen 61 Senators, and I have 6

more today. She may break a record for actually meeting face to face with more Senators than most Supreme Court nominees. But regardless, she is doing her level best to introduce herself and to answer any questions Senators have. I think—and I told the President when I saw him at an event today—he has made an extraordinary choice.

Sonia Sotomayor was first selected to serve on the Federal court—the district court—by President George Herbert Walker Bush. She was then promoted by President Bill Clinton to a higher level court—the circuit court—and now is being nominated for Supreme Court service. She has more experience on the Federal bench than any nominee in 100 years, so she is going to be no neophyte if she is fortunate enough to serve on the Court.

She is a woman with an extraordinary life story, having grown up in the Bronx in public housing. Her father died when she was 9 years old. Her mother raised her and her younger bother, who ended up becoming a doctor, incidentally.

She was encouraged to apply to Princeton, which was a world she knew nothing about as a young Latino growing up in the Bronx, but she applied and was accepted. At the end of the 4-year period, she graduated second in her class at Princeton. I do not believe Princeton University is an easy assignment. I think it is a challenging assignment. Clearly, she was up to it.

She went on to graduate from Yale Law School. She was involved in prosecution. She was involved in working in private law practice. She has an amazing background in law, and I think she would be an extraordinary member of the Supreme Court.

So Senator SESSIONS came earlier and talked about his philosophy and certainly expressed it very capably. I did not have any prepared remarks on the subject. Although I disagree with him, I respect him very much, and I hope at the end of the day we can do the Senate proud and serve our Nation by giving her a fair and timely hearing.

Let's not use a double standard on this nominee. As chairman of the Senate Judiciary Committee, PATRICK LEAHY has suggested a timely hearing on her nomination. It is a hearing within the same schedule of those who went before her, such as Chief Justice Roberts or Justice Alito. So if she is given the same standard of fairness, that hearing will go forward. I certainly hope it does and think she will do well.

TOURISM

Mr. President, this bill we are considering on the floor at this time could not come at a better time. On October 2, the International Olympic Committee is going to select a site for the 2016 Olympic games.

I am proud to say that Chicago is one of the final global candidates—one of the final four in the world. Winning that bid would bring 6 million tourists from all over the world into the United States and generate as much as $7 billion in tourist revenue.

This bill, by encouraging international tourism—the one before us—will welcome international visitors to our country, and it will demonstrate to the world that the United States is open for visitors. That can only help improve the chances that the 2016 Olympic games actually come to the Windy City.

Tourism and travel generate approximately $1.3 trillion in economic activity in the United States every year, including 8.3 million travel-related jobs.

Overseas visits to the United States, unfortunately, are still being hampered by the specter and memory of 9/11. That has cost the United States an estimated $182 billion in lost spending by tourists in our country and $27 billion in lost tax receipts in the last 8 years. The current economic downturn is expected to cost another 250,000 travel-related jobs just this year alone.

So this bill addresses some of the problems underlying this downturn in overseas visitors.

Through a public-private, nonprofit Corporation for Travel Promotion, the United States will coordinate its efforts to encourage international tourism.

The new Office of Travel Promotion within the Department of Commerce will work to streamline entry procedures, making travel to the United States more welcoming and efficient.

The bill does all this while reducing budget deficits by $425 million. In other words, this is one of the few bills we will consider that actually is going to make money. Bringing more tourists to the United States, generating more tax revenue, is going to be to our economic benefit and the benefit of our government.

By setting up stronger entities to promote internationally the benefits of visiting America, this bill certainly advances Chicago's chances to be awarded the 2016 Olympic games.

But the bill also offers an opportunity to showcase internationally all the other reasons to visit America, and they are many.

Even in my home State of Illinois, a lot of foreign travelers come to walk the streets that Abraham Lincoln walked in Springfield, IL. Looking for Lincoln highlights sites all across our State, with a series of stories about the President's life in 42 different counties of Illinois where his journeys took him.

The Abraham Lincoln Presidential Museum in Springfield, IL, was a pet project of mine I thought of about 18 years ago and today is a reality. This Abraham Lincoln Presidential Library and Museum draws almost half a million tourists a year to Springfield, many of them families with children who leave with a better understanding and a very enjoyable visit after seeing Lincoln's life portrayed in very positive terms.

Saline County, IL, down in southern Illinois, draws visitors to its Garden of the Gods—the gateway to the Shawnee National Forest, one of the prettier areas in our State.

Quincy, IL, features historic architecture and fun along the mighty Mississippi River.

We have our unusual tourist attractions in Illinois as well. Near my old hometown of East St. Louis, you can visit Collinsville and see the world's largest catsup bottle or the two-story outhouse in Gays, IL, or the home of Superman, including a 15-foot Superman statue in Metropolis, IL, and a 6-foot Popeye statue in Chester, IL. A lot of photographs have been taken in front of the statue.

Every State has these historic, amazing places to visit and those curiosities that bring people from all over the United States and all over the world.

Illinois offers the international visitor a truly American experience. In fact, Illinois tourism adds $2.1 billion to State and local tax coffers and supports more than 300,000 jobs annually. In 2008, there were about 1.4 million international visitors to my State. These travelers spent $2 billion in all sectors of the economy, from transportation, to lodging, to food service, to entertainment. These international visitors generated an additional $521 million in wages and salaries for Illinois residents.

I encourage my colleagues to support this bipartisan bill. I am sorry it was delayed today. There was no reason for that. We sat here idly today making wonderful speeches when we should have been passing this bill. I hope we get to it soon, and I hope, with passing it, we will help this economy get back on its feet.

Mr. President, I see the Senator from Ohio is in the Chamber. I have one last short statement I have to make.

CONSUMER FINANCIAL PROTECTION AGENCY

Mr. President, today I went to the White House to hear President Obama announce a significant, sweeping change in the regulation of financial services. It is the most important change since the Great Depression. At the heart of President Obama's proposal is the creation of an independent new agency. It is called the Consumer Financial Protection Agency. It is going to put the interests of American families and consumers above the interests of a lot of businesses and banks.

I introduced a bill last year, and then again this year, that would create that same agency. It is an honor for me that the President would pick up on this idea and make it a major part of what he is doing. But before I take too much credit for it, the idea really originated with Elizabeth Warner. She is a professor at Harvard Law School who is one of the more creative, innovative people who advise us here on Capitol Hill. She realizes, as most of us do, that most consumers and customers and businesses are at the mercy of a lot of regulations and a lot of fine print that is almost impossible to follow, so

she suggested the creation of this agency, and the President followed through today.

It is simple: an agency staffed by people who wake up in the morning thinking about how to make consumer financial transactions safer in America and more understandable. It will mean we are going to protect consumers from making mistakes and making decisions that could be very damaging to them economically.

Today, there are no fewer than 10 Federal agencies with the responsibility for consumer protections from predatory or deceptive financial products to a variety of other areas, but none of them—not one of them—has oversight as its primary objective. That is going to change with President Obama's bill. This agency will encourage innovation that benefits consumers rather than innovation that benefits those who are going to make a profit off of those same consumers. There is a large coalition of consumer advocacy groups supporting this concept. I look forward to working with Chairman DODD and the Banking Committee to see that this agency becomes a reality. It won't be an easy task, but it is a perfect followup to our Credit Card Reform Act.

We need to be more sensitive to consumers in America struggling in this economy to make sure they have protection. One illustration tells it all.

There was a prepayment penalty that was folded into a lot of these subprime mortgages. If you have been to a real estate closing on your home, you know they stack up papers on a table in front of you and they turn the corners and they say: Keep signing, and eventually you will get out of here.

You may slow them down and say: What am I signing?

They will say: It is standard. It is boilerplate. It is a government requirement. Keep signing.

Sign and sign and sign, 20, 30, 40 times, and then you get the check, hand it back to the bank, and you go home with the keys in hand. That has happened to me a few times with my wife. I am a lawyer. Did I read every page? No.

Well, it turned out that the mortgages that were sold for a long period of time in America had a prepayment penalty. So if you got into a bad mortgage and decided, man, that interest rate is too high; I can't keep making payments, so I am going to the bank next door where I can get a lower interest rate, they would say: Sorry to tell you this, but to pay off your old mortgage, there is a penalty that is pretty steep. And you say: Well, I didn't know that. Well, you missed it. You missed it in that stack of papers. That prepayment penalty sentenced thousands of American homeowners to be stuck with subprime mortgages that were unfair and eventually led to foreclosure. Why wasn't there someone to warn that customer, that person borrowing for their home? This agency can do that. This agency can make that sort of thing clear to customers and consumers across America so that they have a fighting chance. They can avoid bad decisions that can be disastrous for their personal finances.

As Congress embarks on financial regulatory reform, our improved regulatory system must focus not just on safety and soundness of the providers of financial products but also on the safety of the consumers of financial products. The Consumer Financial Protection Agency will do just that.

I yield the floor.

Mr. SESSIONS. Mr. President, I see my colleague from Ohio is here. I am wondering if we are in an alternating situation. I wish to speak for about 5 minutes. Would that be all right?

Mr. BROWN. That is fine.

The PRESIDING OFFICER. The Senator from Alabama.

SUPREME COURT RULINGS

Mr. SESSIONS. Mr. President, my colleague from Illinois, Senator DURBIN, is such a fine lawyer and an excellent Senator. I would respectfully talk about some of the ideas he suggested.

One, he raised the question about the case of Brown v. Board of Education where the Court held that separate was not equal, and that somehow this is a justification for a judge setting policy. He thought it wasn't good policy. I would see it differently. I would say Brown v. Board of Education was the Supreme Court saying that the Constitution of the United States guarantees every American equal protection of the laws. They found that in segregated schools, some people were told they must go to this school solely because of their race, some people must go to this school solely because of their race, and that, in fact, it wasn't equal. So there are several constitutional issues plainly there, and I don't think that was an activist policymaking decision. I think the Supreme Court correctly concluded that these separate schools in which a person was mandated to go to one or the other based on their race violated the equal protection clause of the United States, and, in effect, they also found it wasn't equal, which they were correct in doing.

With regard to the Lilly Ledbetter case, Senator DURBIN and my Democratic colleagues during the last campaign and during the last several years have talked about this case a lot. I would just say that everybody knows it is a universal rule that whenever a wrong is inflicted upon an individual, they have a certain time within which to file their claim. It is called the statute of limitations. If you don't file it within the time allowed by law, then you are barred from filing that lawsuit. It happens all over America in cases throughout the country.

The U.S. Supreme Court heard the evidence, and it was argued in the U.S. Supreme Court. This one lady, Lilly Ledbetter, took her case all the way to the Supreme Court. They heard it, and they concluded that she was aware of the unfair wage practices that she alleged long before the statute of limitations—long before—and that by the time she filed her complaint, it was way too late. In fact, one of the key witnesses had already died. So it was years after. So they concluded that.

The Congress, fulfilling its proper role, was unhappy about it and has passed a law that I think unwisely muddles the statute of limitations on these kinds of cases dramatically, but it would give her a chance to be successful or another person in that circumstance to be successful.

So this wasn't a conservative activist decision; it was a fact-based analysis by the Supreme Court by which they concluded that she waited too long to bring the lawsuit, and it was barred. Congress, thinking that was not good, passed a law that changed the statute of limitations so more people would be able to prevail. It is not wrong for the Court to strike down bad laws.

We just had a little to-do with Attorney General Holder today in the Judiciary Committee in which the Office of Legal Counsel of the Department of Justice had written an opinion that he kept down and has still kept it hidden that declared that the legislation we passed to give the District of Columbia—not a State but a district—a U.S. Congressman was unconstitutional. He didn't want that out since he and the President supported giving a Congressman to the District of Columbia. But I think that case is going up to the Supreme Court, and I would expect it will come back like a rubber ball off that wall because I don't think that was constitutional. And I don't believe that is activism or an abuse of power; it is simply a plain reading of the Constitution.

If the Congress passes laws in violation of the Constitution, they should be struck down. There is nothing wrong with that if the Court is doing it in an objective, fair way, not allowing their personal, emotional, political, cultural, or other biases to enter into the matter.

So I think we are going to have a great discussion about the Supreme Court and our Federal courts. I look forward to it.

I really appreciate Senator DURBIN. He is a superb lawyer. If I were in trouble, I would like to have him defending me.

I thank the Chair, and I yield the floor.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, across the street today, in the so-called Senate Caucus Room—a room which, next to this Chamber, is perhaps the most famous room in the Senate; a room where the McCarthy hearings, the MacArthur hearings, the Watergate hearings, and the hearings for the Supreme Court nominees during the confirmation process have been held. It is the room where Senator John F. Kennedy

announced his campaign for the Presidency in 1960. It is the room where Senator Robert F. Kennedy, whose desk at which I sit, announced his candidacy for President in March of 1968. It is the room where today we are beginning to mark up the health care legislation that is the most important thing I have worked on in my, I guess, 17 years in Washington. It is probably the most important bill, with the exception of war and peace issues, this Congress has worked on in a long time.

This Congress has been trying for many years, as have been Presidents, to pass legislation to reform our health care system.

In 1945, Harry Truman spoke before a joint session of Congress down the hall in the House of Representatives and said:

> Millions of our citizens do not now have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection.

That was 1945. That was President Harry Truman.

A dozen years before, President Roosevelt made a momentous decision. President Roosevelt decided, in large part because of his fear of the power of the American Medical Association, to not include health care in the Social Security legislation, in the bill to create Social Security, because President Roosevelt actually believed Social Security meant a pension and health care.

But he thought the power of the doctors' lobby would keep him from being successful, so he moved forward in the creation of Social Security. Who knows if that was the right decision then, but it certainly brought us a program that has mattered in the lives of our parents, grandparents, and great-grandparents. Harry Truman was not able to accomplish Medicare or any other significant health care reform in his 7 years or so as President.

Fast forward to July 1965. President Johnson passed legislation creating Medicare. But leading up to that legislation, again, it was the American Medical Association—the most conservative members, because I know a lot of doctors who wanted to see us move forward, including my father, who was a general practitioner for almost 50 years. He died at 89 in 2000. Some in the AMA, in 1965, regarding the creation of Medicare, called it socialized medicine, and said it was too expensive and it would lead to runaway, rampant socialism—the same arguments they used in the 1930s, and the same arguments some are now using about the public plan option in this health care legislation today.

People obviously know that Medicare, since 1965—coming up on 44 years—has worked for the American public. Here is the best illustration of why Medicare works. There have been many studies over the years comparing the outcomes in the United States—health outcomes—to the outcomes in other countries in the world. We rank, in terms of infant mortality, maternal mortality, diabetes, child obesity, and immunization rates—amazingly enough, even though we spend twice as much as everybody, we rank almost at the bottom among the rich countries in the world on all of those things. There is one statistic where we rank near the top, and that is life expectancy at 65. So these pages sitting in front of me, five decades from now when they turn 65—we are going to change the system before then, but people who are 65 in this country have a longer, healthier life in front of them than almost all other countries in the world. That is because we have Medicare, and Medicare works, pure and simple.

Today, some 65 years after Harry Truman made the speech to the joint session I mentioned, we are still waiting for a health care system that delivers on the promise of affordability and quality health coverage for all.

We are waiting for reforms that lower costs for businesses and families buckling under the weight of ever climbing premiums.

We are waiting for reforms that foster competition in the insurance market and give Americans better choices, including a public health insurance option.

We are still waiting for reforms that bring accountability to the system, ensuring that our patients in this country get the highest quality care in the world.

We are waiting, in other words, for reforms that fix what is broken and keep what is working. That wait is nearly over. Today is a historic time. That wait, since 1932 when FDR decided not to include it in the Social Security law, to 1945 when President Truman spoke to a joint session, to 1965 when President Johnson was able to push through Congress with a heavily Democratic House and Senate, as the overwhelming number of Republicans opposed it, the creation of Medicare, to today, we are finally at the historic moment. The wait is nearly over when we are going to have real health insurance reform. It is not a moment too soon for many Ohioans, who are one illness away from financial catastrophe.

For example, take Ann from Dayton, a community in southwest Ohio. She wrote to me last year. In the past 5½ years, she has paid almost $130,000 in health care bills. How can this be? Was she uninsured? No. When her illness struck, she was a partner in a law firm and had good insurance. But once she became too sick to work, she lost her coverage and was forced to fend for herself.

She and her family of four went on COBRA for as long as they could, and then they paid $27,000 a year for insurance on the individual market, where medical underwriting runs rampant. That is where the administrative costs run 30, 35, even 40 percent.

She recently traded that plan—the $27,000 a year plan, at $2,500 a month, almost—for a bare-bones policy that costs only $15,000 a year, but doesn't cover prescription drugs and has a $5,000 deductible. Before she gets $1 of care paid for by insurance companies, she is paying $15,000 for premiums and a $5,000 deductible. So she already has paid $20,000 before the insurance company comes in and helps her. She writes, ''This is not what insurance is supposed to be about.''

The bill before us today will take a number of steps to ensure that Americans do not meet the same fate as Ann and her family.

For one, it provides for better regulation of the health insurance industry. This insurance industry, in some ways, is one step ahead of the sheriff. It is an industry that always tries to figure out how to beat the system and how to insure you because you are healthy; they can make money on you, but they may exclude you because you are not so healthy and they might lose money.

No longer will we allow insurance companies to play that game. We will ban preexisting condition exclusions and prevent insurance companies from denying coverage based on medical history. We will eliminate annual and lifetime benefit caps. No longer will insurance companies be able to selectively cover only those who pose little or no risk of needing health care, leaving everybody else in a lurch. Health insurers are not supposed to avoid health care costs; they are supposed to cover them.

Second, this reform will extend the reach of our health care system to protect those with no health insurance today.

Let me tell you about Jaclyn. She used to work at a child care center, but her employer didn't offer health care benefits, which is not surprising. When she discovered a lump in her left breast, she had nowhere to turn. She tried the State Medicaid Program, but despite having an income in 2006 of only $4,500, she did not qualify. She had no dependents at that point. Her daughter was grown. She started chemotherapy last year, but doesn't know how she will pay her bills.

This bill would expand Medicaid and offer premium subsidies to those who need help. This bill would increase competition in the health insurance market by establishing a federally backed health coverage option for those who want it.

There is nothing like good old-fashioned competition to reduce premiums, improve customer service, and keep the health insurance on its toes.

Not surprisingly, the health insurance lobby has launched a massive campaign to prevent inclusion of a public health insurance option with which they would have to compete.

I guess competition is a good thing, unless they are the ones who have to compete. If you have a public option, insurance companies—the President says repeatedly that the whole point of

an option is that the public plan will compete with a private plan, which will keep the private plans more honest. We have done that with student loans. Fifteen years ago, the only game in town for students, by and large, if they wanted to borrow money for college, was to go to a local bank, or another service, which were all private and unregulated. President Clinton, in the mid-1990s, decided maybe we should have a direct government program so students could borrow directly from the Federal Government. Do you know what happened? The banks brought their interest rates down. The banks started to provide better service. The banks behaved better. That is analogous to what we will see with the public plan.

The conservatives in this body, who are major recipients of insurance company money for their campaigns, whose philosophies are always that business can do it better, the people who have aligned their political careers with the insurance industry all oppose the public option, the public plan. Why? It is simple. It is because insurance companies will have to cut down their administrative costs, maybe even pay lower salaries to their top executives. Maybe they will have to change their marketing practices, be less wasteful, and maybe they will behave a little better. In that case, the public option was competing with private banks, and everybody got better. A public health insurance option competing with the private insurance companies will make everybody get better. That is the whole point.

With private insurance competition, when it is just the insurance companies competing with each other, funny things tend to happen. We see huge salaries and, second, a huge bureaucracy in the insurance companies and, third, we see all kinds of marketing campaigns, and we see huge overhead and administrative costs—sometimes up to 35, 40 percent.

We also see that the term ''private insurance competition'' is often simply an oxymoron. In Ohio, the two largest insurance companies account for 58 percent of the market. I am not a lawyer, so I didn't take the antitrust course. I didn't go to law school. When you have two companies that have 58 percent of the market, that is not competition. In some Ohio cities—as I assume it is in the Presiding Officer's State of Illinois—the two largest insurance companies account for 89 percent of the market. That is not exactly healthy competition. If we bring in a public option and compete with these two companies, their rates would come down and salaries for top executives would come down. There would be no more multimillion-dollar salaries, and administrative costs would be cut. They would be leaner and meaner, a better insurance company as a result.

Finally, this bill gives providers new tools to improve the way health care is delivered in this country, with improvements that help Americans with chronic conditions manage those conditions, that can dramatically reduce medical errors and overcome unjustifiable disparities in health care outcomes.

These reforms draw insight and inspiration from the work already being done by dedicated individuals within our health care system—individuals such as Dr. Derek Raghavan, who heads the Taussig Cancer Center at the Cleveland Clinic. He has devoted himself to reducing health disparities. In Cleveland, he has been instrumental in combating significant differences in cancer death rates between African Americans and Caucasian Americans.

Dr. Peter Pronovost from Johns Hopkins has a simple checklist for preventing hospital infections, which saved 1,500 lives and $100 million over an 18-month period in the Detroit area hospitals in Michigan.

In Mansfield, my hometown, the community health workers—just high school graduates, and some with only GED, high school equivalency studies, young women in their early twenties mostly, making only $11 or $12 an hour—working with local health care authorities and doctors and nurses, reduced the prevalence of low birth weight babies from 22 percent to 8 percent over 3 years. These young women are only 5 or 6 years older than the pages in front of me. They don't have the opportunities that most of the pages have. These are young women who don't have parents who went to college, who probably weren't planning on going to college, and are only making $11 or $12 an hour—young women who grow up in some of the poorest parts of Mansfield. They have already saved lives because they have made a difference in helping pregnant women get the nutrition they should have, to learn about taking care of babies, learn about pregnancy, and they can come in to see an OB/GYN doctor. They have already had an impact on many lives. I bet that in 5 or 10 years some of these young women who didn't have much of a future because of their upbringing will become doctors and nurses because they have had this experience of making a difference.

Those are some of what is going on in this country. If we do it right, we can take this program in Mansfield and replicate it and see it all over the Nation.

This bill will also address serious workforce shortages that exist across the spectrum—from nurses, to pediatric specialists, to dental care providers, to primary care physicians.

We have a lot of work to do. I am optimistic that we can pass good health care reform in this country. We know that the first rule of thumb is to make sure that if people are happy with the insurance plan they are in, they can keep it. Second, we have to do a better job of reining in the costs to many people in the health care system—employers and individual businesses—the employers, individuals, and government. Third, we need to make sure that everybody in this country has access to health care.

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

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

THE ECONOMY

Mr. GREGG. Mr. President, we are, as a nation, facing an incredibly severe fiscal situation, not only in the short term but in the long term. The debt of this country is piling up at astronomical rates. We will, this year, have a deficit that comes close to $2 trillion—$2 trillion—or 28 percent of our gross national product. We are talking about a deficit next year of well over $1 trillion. Under the budget sent to us by the President and approved by this Congress—not with my support or many Republicans—I don't think any Republicans supported it—the deficit will run at $1 trillion a year for as far as the eye can see.

The debt of this country will double in 5 years. It will triple in 10 years. Deficits are running at 4 to 5 percent of GDP—not only immediately after we get past this recessionary period—for, again, the next 10 years. And the debt-to-GDP ratio, which is a test of how viable a nation is, will jump to 80 percent.

Those are numbers which are not sustainable. Everybody admits they are not sustainable. In fact, they are numbers that are so devastatingly large and so unmanageable for our Nation that were we trying to get into the Europe Union, we wouldn't be allowed in. That is how irresponsible our deficit and our debt is. They are numbers which will lead us as a nation to lose the value of our dollar—the value of our currency—and our ability to finance our debt. In fact, we are already seeing signs to that effect. The leadership of the Chinese financial systems have made a number of statements which basically have said they would not necessarily forever rely on American Treasury notes and purchase our notes. And they are financing us right now.

The country of Great Britain, which is considered to be the second most stable country in the world, has received a notice from Standard & Poor's that its debt will not necessarily be downgraded, but it is being taken to negative status.

A leading economist and reviewer of the bond issues of the United States, as recently as today, has announced that

our triple A rating—triple-A-plus rating, which is the best in the world—is at risk because of this massive explosion in debt.

To quote Senator CONRAD, the chairman of the Budget Committee—a person I greatly admire on issues of fiscal policy—the debt is the threat, and it is. It is a threat to our Nation, it is a threat to our young people because they will inherit this massive obligation to pay for costs which are being expended today.

There are a lot of reasons why the debt is going up radically. Primarily, though, it is spending. It is quite simply spending. The spending of the Federal Government will jump from the traditional level of about 20 percent of GDP, which it has been at now for 40 years, to 25 to 26 percent of GDP under President Obama's proposal.

In the short run, obviously, revenues are a factor because we are in a recessionary period. But in the long run, what is driving the deficit, what is driving this massive increase of debt, which will be unsustainable, is spending.

Well, the Congress has a chance, in the next couple days, to do a small but significant part in the way of a public statement and in the way of a statement of policy that we are concerned about the debt. We have a chance to do something. This administration has a chance to do something. As of today, five banks have repaid large amounts of their TARP funds. It is estimated we are going to get about $65 billion of TARP payments back.

In other words, the way the TARP worked during the crisis, which almost led to a fiscal meltdown—the government stepped forward and purchased preferred stock from a variety of major banks in this country. That preferred stock paid dividends to the taxpayers. It was an asset, and it was a good decision. It stabilized the financial industry. The TARP funds kept us from going over the precipice, kept us from an economic meltdown of catastrophic proportions, and saved Main Street. People on Main Street probably don't appreciate it that much, but essentially that decision saved folks' homes, their ability to borrow, to go to school, their ability to borrow to start their business, to meet their payroll, and basically operate as a typical economy.

The idea always was that the TARP money would come back to the Federal Treasury, the $700 billion worth of TARP money that was authorized would come back after the financial situation stabilized. Well, now we are starting to see it come back in the first tranche—$65 billion plus about $4.5 billion of interest. That is pretty good. We made $4.5 billion in interest—in less than 4 months, by the way. The taxpayers did pretty well on this.

So what are we going to do with that money? Well, I suggest—and the law actually states—what should be done with that money. We should pay down the debt. That is a good way to use this money. The other option is the Treasury can simply hold on to it in anticipation of, potentially, another crisis. But that is not necessary. The Treasury still has a line of credit under TARP which reaches $50 billion to $75 billion, depending on how you account for it.

We know the risks out in the marketplace right now are nowhere near that number, and they are certainly not systemic. Therefore, these TARP dollars are not needed. They are not needed right now or in the foreseeable future for the purposes of maintaining financial stability and avoiding a systemic meltdown. So it is totally appropriate that all that money be used to pay down the debt, or at least a significant portion.

It would be an extraordinarily positive statement by this administration if they said to the markets and to the American people: The responsible thing to do is to take this money and pay down the debt. I think the market would react positively immediately. They would say we are serious. I think the American people would react positively immediately too. It would be a huge win for this President—the policy worked. This President and the prior President, President Bush and President Obama, had the courage to step up in the face of fairly significant headwinds and make the decision to use the TARP money in this way. Now it has worked, they should use it to pay down the debt and get the double win of having been able to say what we did was good policy, it was not popular policy but it was good policy, it worked to stabilize the financial institutions, and what we are doing now to pay down the debt is also good policy and it is what the law calls for in the end.

That is the first thing that could happen right now, and it should happen. This money that was paid in today to the Treasury should be used immediately to pay down the debt, and that should be announced by the Treasury—or if I were President, I would announce it myself; it is pretty good news. So that is a step in the right direction. Granted, on a $2 trillion deficit, it is not massive, but it is a statement, and a statement is important at this time. And you know, $68 billion is a lot of money anyway, so it would be a good decision.

The second thing we should do, and we can do, is not allow the war supplemental—which is an important piece of legislation needed to fund our troops—to be used as a passenger train for unfunded baggage which will pass debt on to our children on extraneous issues. That is what it is being used for.

Last week, the President held a press conference at the White House surrounded by the Democratic leadership of the Congress, and he said we are going to return to pay-go, we are going to require that new programs be paid for. I applaud that as an attitude and approach. It has not been followed around here, but I applaud the fact that he stated that and he had standing behind him the Democratic leadership of this Congress when he said that.

Ironically, on the same day, I believe, the House of Representatives passed a bill which increased spending by $1 billion which had nothing to do with the war, which was not paid for. Therefore, it did not meet pay-go but instead created a debt our children will have to pay. They stuck that legislation in the war fighting bill so it could not be amended and paid for or amended and improved. It is called the Cash for Clunkers, and it is a clunker of a bill because it passes on to our children a $1 billion price. It is $1 billion of new debt.

Why would we do that? Cash for Clunkers may be a program that is good. Maybe it is a reasonable idea to pay for old cars to get them off the road, to put new cars on the road, hopefully to increase mileage of the auto fleet and also to stimulate the economy. That may be a good idea, but it is not a good idea to not pay for that. We have already spent $740 billion on the stimulus package, unpaid for. We have spent $83 billion on the automobile buyouts, on the automobile bailout—unpaid for. Now to put this extra $1 billion on top of all that just adds insult to injury to the next generation and our children's children who will have to pay the price for this. Why should our children and our grandchildren have to pay the bill for us paying $3,500 to somebody to buy their car today? How fiscally irresponsible is that? It is especially fiscally irresponsible when you realize it is done in the context and on the same day, I believe, as the President announcing that we are going to go back to pay-go principles around here where we actually pay for new programs we put on the books. But in order to avoid that, in order to avoid what they had just signed onto, the congressional Democratic leadership down at the White House, standing behind the President and cheering when he said we are going back to pay-go, stuck this language in the war supplemental.

That is an insult to our troops. In order to fund our troops, they have to take along with them $1 billion of new debt, passed on to their children. Many of these extraordinary people who are fighting for us have children. Is it right that in order to get them the adequate resources they need to fight this war, we should send their children a bill for $1 billion so we get a public policy that we can go back to our automobile dealers with and say: Hurray, we got you this $1 billion of spending. Of course not. That is not right, it is not fair, it is not appropriate.

Okay, Cash for Clunkers may make sense if it is paid for. The way it was structured, it cannot be paid for. You cannot amend this bill in its present form, and therefore, if it passes with the Cash for Clunkers in it, a $1 billion price tag in it, we basically pass that debt on to our children.

I will at the appropriate time offer an amendment which will essentially be a pay-go amendment. It will be a point of order that says essentially—it will not be under pay-go because if I did that it might bring the whole bill down and I have no interest in bringing the whole bill down—it will be a targeted point of order which will essentially be a pay-go point of order. Anybody voting against this point of order will be voting against pay-go, which will say this language, which is unpaid for, this $1 billion, should not stay in this bill in this form. Does that mean this bill goes down? No. You will hear a lot of moaning going around saying this will destroy the bill. No, it will not. This bill can be sent back to the House and passed without the Cash for Clunkers language in it, unpaid for, or it could be sent back to the House and they can put back in the Cash for Clunkers language, paid for. It can all happen within about a 6-hour day, 6-hour legislative day, maybe even less. Maybe even a half hour, knowing the rapidity of the Rules Committee in the House.

It seems this will be one of the first tests of whether we as a Congress mean what we say. Do we mean that when we say we are not going to create a new program that we are not going to pay for, we actually will stand behind those words? This should be an easy one for us because this plan can be paid for rather easily by moving money around in the original stimulus package. It is fairly obvious this plan should not be in the war supplemental to begin with, but if it is going to be in the war supplemental, it should not be in the form that passes massive debt on to our children. It is a chance to make a $1 billion statement that we are going to start getting serious about the debt around here.

I hope I will be joined in this point of order by my colleagues who are interested in the integrity of the pay-go process and in not passing on to our kids a $1 billion bill they do not deserve.

I make a point of order that a quorum is not present and yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. STABENOW. I ask unanimous consent to speak as in morning business.

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

CASH FOR CLUNKERS

Ms. STABENOW. Mr. President, I come to the floor to respond to my friend, the distinguished ranking member on the Budget Committee, who just spoke a moment ago about the supplemental and one provision, a very small provision, in this very large bill. I hope that when there is an effort to waive all the budget points of order, colleagues will support doing that while remembering thousands of small businesspeople across this country who are asking that we support them at this time of real crisis as it relates to automobile sales, not just in the United States but all across the world.

We have a global crisis right now. We know in our credit markets it has resulted in people not being able to come in and buy an automobile. It is compounded by the huge losses in jobs that we have seen where people cannot afford to come in and buy a new automobile.

My colleague spoke about small but symbolic measures. I would hope that our colleagues, who I know care deeply about dealers—we have heard this from Republican and Democratic colleagues; we have had bills held up on the floor to work on efforts that I was proud to join in helping our auto dealers.

I would certainly hope that colleagues would not decide for symbolism to focus on what is less than 1 percent of this supplemental—less than 1 percent of the supplemental—focused on helping America's auto dealers at this critical time. In terms of this supplemental, it is a very small amount of money. It has received a lot of focus from a lot of concerns, which I appreciate, on how things are written or how colleagues would do things differently. I appreciate that.

But the reality is we are in a crisis, not just in my State but all across the country and, frankly, around the world when we look at what has been happening to small businesses and communities across America. I know what this feels like. My father and grandfather had the Oldsmobile dealership in the small town where I grew up in northern Michigan. When I grew up, the first job I had was washing cars on the car lot. I know what has happened to small businesses across America right now that have played by the rules and, through no fault of their own, find themselves in a very difficult circumstance.

We have a small provision that has been given a lot of different names. One version of it has been called cash for clunkers. It is based on a bill on which I was proud to join with House Members that is called Drive America Forward. But it would incentivize people to go into these small dealerships across America and give them an opportunity, an incentive, or support to be able to buy a new car.

Why is this important? Well, we have seen from January to May of this year, compared to January to May of last year, across-the-board reductions in auto sales: 41.8 percent for GM; 39 percent for Toyota; 36.8 for Ford; Chrysler, 46.3 percent; Honda, 34.4 percent. It is pretty rough if you are an auto dealer and you see your sales going down month after month—30 percent, 40 percent—to be able to make the payroll every week for your employees. It is pretty tough to do that.

Around the world, we have seen efforts to help automakers, to help auto dealers, to help communities, to help middle-class consumers and those who want to be able to purchase a vehicle to be able to do that.

Our dealers, on average, employ 53 people each, over 116,000 people directly. That is the entire combined workforce of GM and Chrysler together. We are talking about a large number of people who have come in a number of ways to ask us to help them. This is one opportunity. This is it. This is what is in front of us.

We know how hard it is to move legislation through the House and the Senate. We are the last place, the last vote standing between helping the dealers of America and turning our backs on them. This is the last vote. This is the one vote as to whether we are going to be able to step forward and be able to help them.

Every other industrialized country, small and large, understands what has been happening, and they are fighting for their middle class. They are fighting for their jobs. They are looking for every class they can to help.

The question is, Will we? Germany began a program similar to the one that we are talking about that is funded through this bill in January. By the end of the first month, sales were up 21 percent, 21 percent. That is money in the pockets of small businesses and large dealerships. Across Germany it was so successful they extended it and had sales continue to go up as a result. When our auto sales were going down 41 percent, Germany's—during the same period—went up 21 percent because they said: You know what. We have to stop the bottom from falling out of this. It is too important for our economy. We want to do something about it. And they did. Now similar programs exist in a number of countries: China, Japan, Korea, Brazil, Great Britain, Spain, France, Italy, Australia, Portugal, Romania, and Slovakia—Slovakia. If Slovakia can help their auto industry and their car dealers, I think the United States of America ought to be able to step up and help.

This is a small effort, a few months, to give a boost, a stimulus, to a group of small businesses, an industry that has been talked about on the floor many times and that we need to care about. This particular program is not only supported by Ford and domestic auto companies, but it is also, of course, supported by the National Auto Dealers very strongly, the United Auto Workers, the National Association of Manufacturers, the Steel Workers, the Automotive Recyclers Association, the Specialty Equipment Market Association, the Motor and Equipment Manufacturers Association, the AFL–CIO, the Business Roundtable, and the U.S. Chamber of Commerce.

All have come together to ask us to do something and to support this effort. We are now at a point where we have to decide if we want to help. It is not just about the automakers. You know, we know that help—and a lot of it—is going to GM and Chrysler, and those of us who represent them appreciate that very much. But this is much broader than that. This is all kinds of dealers, all kinds of automakers. Not only those who work in the plants, whom I care about deeply, but it is people who work in offices, the engineers, the designers. This is an economic tsunami that has hit every part of the economy when we look at this entire industry: the clerks, the office managers, the sales people, the mechanics, the car washers, up and down.

The global credit crunch has had a devastating effect on everyone in our economy who relies on the sale of automobiles: Printers, advertisers, local newspapers, television stations, radio stations. They are all asking us to act.

This is a reasonable, focused, short-term effort to help those who have been having an extremely difficult time just holding their heads above water. We know this effort can make a difference.

I thank our House colleagues who have done a tremendous amount of work on this matter. I want to thank Congressmen MARKEY and WAXMAN and STUPAK and DINGELL and BOUCHER and others who were involved in putting this together and putting it into the energy and climate change legislation reported out of the Energy Committee in the House of Representatives.

I thank every one of the 298 Members of the House on a bipartisan basis. Over two-thirds of the House of Representatives voted for this legislation, and it was put into the supplemental in an emergency document, an emergency piece of legislation. It was put in there because of what has happened with the bottom falling out of the economy for dealers, dealers that have found themselves in very difficult circumstances because of bankruptcies, and dealers that are trying to move forward and trying to be able to survive during this economy.

I know there are colleagues who would like to see this have more energy efficiency provisions. I believe in the context of what we do going forward in the energy bill and climate change we can work together to fashion something that has a focus, an input, from everyone who cares deeply about these issues.

At this time and place, this legislation is a balance between those of us who are concerned about an immediate stimulus while meeting the needs and concerns about increased fuel efficiency. We are making amazing strides on fuel efficiency. The President of the United States, not long ago, announced increased fuel efficiency standards. No one in the industry objected. I did not hear objections. I certainly did not object. This is not about whether we need to increase fuel efficiency. We do and we are. We will continue to do that.

This bill, while being a short-term stimulus, also helps in that regard because it will give a voucher of either $3,500 or $4,500 toward the purchase of a new, more fuel-efficient vehicle.

When you look at your own home situation, anyone who is going to want to be a part of this is going to make sure their car, that automobile, is worth $3,500 or less or $4,500 or less. Someone is not going to turn in a $15,000 used vehicle to get a $4,500 voucher.

So, by definition, we are talking about older cars. Some people have said ''clunkers,'' and people have kind of thrown that around, and ''what does all of this mean''?

But we are not talking about a $50,000 vehicle with a resale value of $20,000 or $15,000. We are talking about older vehicles that are worth $4,500 or less.

The legislation requires, as has been done in other countries, when you turn it in, that the engine is scrapped, the parts of it that we do not want to continue to use—because of the lack of fuel efficiency—are scrapped. We can recycle some of the other parts, but the basic transmission system is scrapped.

So we are talking about older vehicles worth $4,500 or less, the polluting pieces of the automobile are scrapped, and then we are talking about the ability to purchase a vehicle that is more fuel efficient. In the case of automobiles, you need a minimum fuel economy of 22 miles per gallon or more, you get a $3,500 voucher for a 4-mile-per-gallon improvement, and a $4,500 voucher if the new vehicle you purchase is 10 miles per gallon or more fuel efficient.

So there is a benefit from a fuel efficiency standpoint. There is benefit. I appreciate that for some it is not enough. I do appreciate that. There are those who would like to see something different, and certainly we will have opportunities to continue to work together in that regard.

But I go back to my original premise. At this time, in our economy, at this time with what has been happening on unemployment, what has been happening to businesses, large and small, because they cannot get capital, because of the ripple effect in the auto industry, of what is happening to suppliers, to dealers, to anyone involved in this industry—and 1 out of every 10 persons in America is in some way related to the auto industry—at this time we need to be prudent and balance what we are doing in a way that makes sure that all parts of the auto industry, domestic and foreign, can participate and that we are doing this as quickly as possible. It will not help as a stimulus if this is done 6 months or a year from now.

I don't know how much longer the car dealers in Clare, MI, where I grew up, can hold on, if they are losing 40 percent a month in sales. I don't know how much longer they can hold on. I don't know what happens to the Chrysler dealer and the GM dealer trying to turn over inventory now as they wind down. I don't know what happens. But I do know we will see more dealerships close. We will see more people lose their jobs. We are going to see more mainstays of local communities finding they cannot make it.

This is the moment. We won't get another chance. We will not get another chance. This is the moment to help. We have other opportunities to work together on other policies. I say to my colleagues on both sides of the aisle, for all of the dealers who have been calling and asking for help, this is the moment. This is the vote. There won't be a second vote. So when you go home, think about what you want to say to the small business people, the auto dealers, office managers, mechanics, people who are involved in that business in your community, when you had a chance to help. I hope we will take it. I hope we will take it as the House did. I hope we will see overwhelming bipartisan support, as we saw in the House of Representatives for this particular policy.

I strongly urge colleagues to vote to override the budget points of order. All of them will be asked to be overridden. I encourage colleagues to do that. I hope we will show that we get it. Do we get what is going on in communities across America? This vote will say whether we get what is happening and have a sense of urgency about stepping up to help.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRAVEL PROMOTION ACT OF 2009

Mr. REID. Mr. President, it is my understanding there is a bill to be reported, Mr. President.

The PRESIDING OFFICER. That is correct.

All postcloture time on the motion to proceed having expired, the question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1023) to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Travel Promotion Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.

(a) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29–1001 et seq.), to the extent that such provisions are consistent with this section, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(A) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(B) 1 shall have appropriate expertise and experience in the restaurant sector;

(C) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(D) 1 shall have appropriate expertise and experience in the [advertising] *travel distribution services* sector;

(E) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(F) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(G) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(H) 1 shall have appropriate expertise and experience in the passenger air sector;

(I) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(J) 1 shall have appropriate expertise in the intercity passenger railroad business.

(2) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section [29–1001] *29–301.01* et seq.).

(3) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 4 shall be appointed for terms of 2 years; and

(C) 4 shall be appointed for terms of 3 years.

(4) REMOVAL FOR CAUSE.—The Secretary of Commerce may remove any member of the board for good cause.

(5) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this section. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(6) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(7) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(8) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(c) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have [a President], *an executive director* and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(2) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(1) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7)).

(e) DUTIES AND POWERS.—

(1) IN GENERAL.—The Corporation shall develop and execute a plan—

(A) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in travelling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(B) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(C) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(D) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(E) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(2) SPECIFIC POWERS.—In order to carry out the purposes of this section, the Corporation may—

(A) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(B) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(C) take such other actions as may be necessary to accomplish the purposes set forth in this section.

(3) PUBLIC OUTREACH AND INFORMATION.—The Corporation shall develop and maintain a publicly accessible website.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ⅔ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General *and the Congress* shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

[(1) START-UP EXPENSES.—For the period beginning on October 1, 2009, and ending on December 31, 2009, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act.

[(2) FISCAL YEAR 2010 AND SUBSEQUENT YEARS.—For the period beginning on January 1, 2010, and ending on September 30, 2010, and for each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsections (c) and (d) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary of the Treasury of the amounts required to be transferred in accordance with subsection (c), and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

[(c) MATCHING REQUIREMENT.—

[(1) IN GENERAL.—The Secretary of the Treasury shall make available to the Corporation at least quarterly from amounts available in the Fund for the period beginning on January 1, 2010, and ending on September 30, 2010, and for each of fiscal years 2011, 2012, 2013, and 2014, an amount equal to the amount received from non-Federal sources by the Corporation. The amount made available to the Corporation under this paragraph for the period ending on September 30, 2010, and for each of those fiscal years, may not exceed $100,000,000.]

(1) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) CARRYFORWARD.—

(1) FEDERAL FUNDS.—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. TRAVEL PROMOTION FUND FEES.

Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel

and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than $20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(3) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

''SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Government Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).''.

SEC. 8. RESEARCH PROGRAM.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by section 7, is further amended by inserting after section 202 the following:

''SEC. 203. RESEARCH PROGRAM.

''(a) IN GENERAL.—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

''(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

''(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

''(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

''(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

''(5) research to support the annual reports required by section 202(d) of this Act.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.''.

Ms. SNOWE. Mr. President, my amendment, No. 1336, would provide improved and expanded opportunities for small businesses and attract foreign tourists. Tourism is a vital service export, generating $142 billion in international receipts last year, which accounts for 27 percent of all services exports and 8 percent of exports overall.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, and as a senior member of both the Senate Finance and Commerce Committees, one of my top priorities is to ensure that small businesses get the promised benefits of our international trade relationships, including the benefits of increased business from tourists that visit the United States. Tourism is particularly essential for small businesses, which comprise more than 90 percent of employers in the tourism industry. In fact, 95 percent of travel agencies, 84 percent of tour operating companies, 93 percent of sightseeing bus companies, and 99 percent of souvenir shops are small businesses.

Small businesses are a vital source of economic growth and job creation, generating approximately 75 percent of net new jobs each year. Small firms are essential to our economic recovery, and we must help them take advantage of all potential opportunities, including those created by international travel and tourism.

My amendment will increase support for small businesses seeking to attract more foreign tourists. First, the amendment creates an innovative new export development grant program that provides small businesses with matching grants, of up to $5,000, for expenses relating to activities that help them start or expand export activity. These grants can be used to create foreign-language marketing material, translate websites in order to reach foreign tourists, and develop other marketing materials in order to attract more international visitors.

In addition to enabling small businesses to attract international tourists, my amendment also benefits small businesses who seek to sell their products and services in international markets. Although globalization has created new opportunities, less than 1 percent of U.S. small businesses currently sell to international buyers.

Small businesses face particular challenges in exporting. It can be difficult for small exporting firms to secure the working capital needed to fulfill foreign purchase orders, for instance, because many lenders won't lend against export orders or export receivables. Additionally, small business owners may not have the time or resources necessary to understand other countries' rules and regulations.

Currently, Federal programs are grossly inadequate at helping small businesses overcome these challenges of exporting. This amendment gives small businesses the resources and assistance they require to explore potential export opportunities and to expand their current export business.

The amendment would also bolster the SBA's technical assistance programs, and will improve export financing programs so that small businesses have access to capital needed to support export sales.

Small businesses can survive, diversify, and compete effectively in the international marketplace by developing an export business. But, as I mentioned, too few small businesses are expanding into international markets. This amendment will help small business owners take the crucial steps of attracting foreign tourists and finding international buyers for their goods and services.

This investment could yield tremendous returns for our economy. The United States spends just one-sixth of the international average among developed countries in promoting small businesses exports. Every additional dollar spent on export promotion results in a fortyfold increase in exports, according to a World Bank study.

As we work to promote tourism in the United States, we cannot overlook small businesses. An investment in small business exporting assistance is an investment in our economy. This amendment will ensure that this legislation helps small businesses stay competitive, helps them grow, and speeds the recovery of our economy as a whole. I respectfully ask all of my Senate colleagues to support this vital amendment.

Mr. President, my amendment No. 1337 to the ''Tourism Promotion Act of 2009 is a commonsense amendment that would ensure that small businesses are properly represented on the new ''Corporation for Travel Promotion Board'' and would clarify that small businesses, as defined by the Small Business Administration, are exempt from the annual assessment created by this act.

As ranking member of the Committee on Small Business and Entrepreneurship, I am keenly aware of the critical role that small businesses play as our Nation's primary job creators. Robust tourism is vital to the success of countless small businesses, and I see no better way to improve this bill than by ensuring that our Nation's small businesses have a seat at the table as our tourism policy is revamped. One of the more vital components of this act is the creation of the travel promotion board, which includes 11 key representatives from different industries involved in tourism, and will be tasked with promoting travel to America. Unfortunately, the underlying bill does not require a member of that board specifically represent small businesses. My amendment will correct this oversight.

Travel and tourism generates approximately $1.3 trillion in economic activity each year in the United States and it also supports 8.3 million travel-related jobs. According to the Department of Commerce, receipts from international trade and tourism were more than $142 billion last year, and there is no doubt that small businesses were a vital part of this statistic. In fact, they represent nearly the entire tourism industry. More than 90 percent of employers in the tourism industry are small businesses; and more specifically, 95 percent of travel agencies, 84 percent of tour operating companies, 93 percent of sightseeing bus companies, and 99 percent of souvenir shops are owned by small entrepreneurs. It is therefore imperative that this act guarantee that small businesses are provided with a representative on the Corporation for Travel Promotion Board.

Tourism is a vital source of growth for these small businesses and this act will provide critical assistance to entrepreneurs struggling during these difficult economic times. This amendment will improve the underlying bill by ensuring that small businesses continue to play a key role in bolstering and strengthening our nation's essential tourism industry. For this reason I urge my colleagues to support my amendment.

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

Mr. REID. Mr. President, I ask the Chair to lay before the Senate the conference report to accompany H.R. 2346, the supplemental appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of Friday June 12, 2009.)

CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The clerk will report the motion.

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 conference report to accompany H.R. 2346, the Supplemental Appropriations Act of 2009.

Daniel K. Inouye, Patrick J. Leahy, Patty Murray, Jack Reed, Edward E. Kaufman, Christopher J. Dodd, Tom Carper, Mark L. Pryor, Tim Johnson, Jon Tester, Mary L. Landrieu, Byron L. Dorgan, Herb Kohl, Tom Harkin, Mark Begich, Ben Nelson, Dianne Feinstein.

MORNING BUSINESS

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

40TH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF MINORITY CONTRACTORS

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 40th anniversary of the National Association of Minority Contractors, NAMC. NAMC is a national organization that has gone to great lengths over the last 40 years in helping minority contractors realize the American dream. Additionally, NAMC has aided contractors across the United States by fostering relationships and building bridges in the construction industry that have helped minorities to remain competitive. Currently, NAMC has over 5,000 memberships in all 50 States and the District of Columbia.

NAMC was established as a nonprofit organization in 1969, in order to provide education to African Americans, Asian Americans, Hispanic Americans, and Native Americans employed as construction contractors. This magnificent organization has helped to ensure equal opportunity employment and procurement opportunities in all areas of this industry. NAMC has led the way in the integration of various ethnic groups, creeds, and colors in the construction industry. We recognize this organization's hard work to initiate and operate training programs for people desiring employment and procurement in the building trades.

Thanks to the fine leadership of the local board of the Silver State's NAMC's Chapter, NAMC is making a successful transition to green building. NAMC has been ensuring that its members certify in green building by involving them with Green Advantage and the U.S. Green Building Council. It is specifically this type of program that will help America become more environmentally friendly and responsible and lead us to an improved quality of life.

The Nevada Chapter is one of 22 chapters across the United States. I commend the National Association of Minority Contractors for their 40 years of support to the minority community and to the affiliates in Nevada and around the United States. It is through

the relentless work of this organization that minority construction contractors have been able to achieve equality, opportunity, and prosperity.

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

IN PRAISE OF FATHERS

● Mr. BYRD. Mr. President, Sunday is Father's Day. The third Sunday in June is a lovely time of year, and a perfect time for any celebration. This year, it is also the first day of summer—the best day of summer, before the weather is too hot, before bugs mar the beauty of fresh green leaves and weeds threaten to smother the garden, before we are tired of marveling at the smooth green of a freshly mown lawn. On this Sunday, we thank both our heavenly Father and our earthly father for all that is good and strong and vibrantly beautiful in our lives.

Although scientists say that some smells can trigger strong memories, I think that there are certain sounds that many people instantly associate with fathers. The keening whine of a power tool, the droning buzz of a lawn mower on a Saturday morning, the grunt and clank of tools in tight places, the quiet scrape of a razor over a stubbled chin, the slow tread of a tired man coming home in the evening, or even the nighttime chorus of snores—these are the everyday sounds of fathers that provide the quiet sounds during a peaceful childhood. Other father sounds may have occurred less frequently, but still trigger their own quick smiles of recall—the slap of a baseball into a worn glove, perhaps, or the gentle splash of a fishing lure hitting the water, that remind us of pastimes enjoyed together.

On Sunday, fathers will be feted with brunches or barbeques. They may open a few gifts and some funny cards. Mother's Day might warrant more sentimentality, but Father's Day seems to call for a more humorous approach—perhaps so that fathers will not be embarrassed by any teary-eyed show of emotion. It is enough, for many fathers, to get a card at all, and to have all the attention focused on him. Most fathers are not much given to displays of emotion or sentimental speeches.

A father's love is expressed through his presence and the endless labor that he expends to care for his family. His love is expressed through his actions, and all the sounds that accompany them. My own Dad was a quiet man, but he saved his cake from lunch to give to me. He listened attentively to my recitations and my fiddle playing, and he made sure that I had paper and pencils to draw with as a child. Without words, he showed me how much he cared.

An untitled poem by an unknown poet captures the unspoken love that fathers find easier to express:

Fathers seldom say, ''I love you''
Though the feeling's always there,
But somehow those three little words
Are the hardest ones to share.
And fathers say, ''I love you''
In ways that words can't match—
With tender bedtime stories—
Or a friendly game of catch!
You can see the words ''I love you''
In a father's boyish eyes
When he runs home, all excited,
With a poorly wrapped surprise.
A father says, ''I love you''
With his strong helping hands—
With a smile when you're in trouble
With the way he understands.
He says, ''I love you'' haltingly,
With awkward tenderness—
(It's hard to help a four-year-old into a party dress!)
He speaks his love unselfishly
By giving all he can
To make some secret dream come true,
Or follow through a plan.
A father's seldom-spoken love
Sounds clearly through the years—
Sometimes in peals of laughter,
Sometimes through happy tears.
Perhaps they have to speak their love
In a fashion all their own.
Because the love that fathers feel
Is too big for words alone!

Mr. President, we can all remember times in our own lives when our fathers let us know that they were proud of us. We remember the words of praise, the thumbs up, the smile or simply his quiet presence at some long ago event. An occasion was important, if our father made the time to be there. This Sunday is our chance to return the favor and make the occasion important for him, by our presence at brunch, or by the grill, or on the phone. He will appreciate the effort, even if he may find it difficult to show just how much it means to him.●

WEST VIRGINIA DAY

● Mr. BYRD. Mr. President, on June 20, 1863, West Virginia became the 35th State in our great Union. This coming Saturday, West Virginia will celebrate those 146 years of statehood, so I say, ''Happy Birthday, West Virginia!'' I might also add, '' and many more!'' It is a happy day.

West Virginians will celebrate the State's birthday in many different ways. In the myriad State parks and forests, special programs may be enjoyed amid the majestic scenery, views of endless, rolling hills, and rushing, tumbling white water with which the Creator has blessed us. At the Haddad Riverfront Park in Charleston, an outdoor concert will entertain the crowds with music and fun. Blenko Glass, in Milton, has produced another stunning artwork in molten, hand blown glass in honor of West Virginia Day. Across the State, local arts festivals and historic reenactments will celebrate the history and talents of West Virginia.

West Virginia Day is a wonderful day to celebrate all that is unique about our great State. Of her 55 counties, 47 were named after notable individuals. Some counties derive their names from Revolutionary War heroes like Francis Marion and the Marquis de Lafayette. Others are named after U.S. Presidents and Vice Presidents, including Jefferson, Jackson, Lincoln, and Grant; or notable politicians such as Senator Henry Clay of Kentucky. Just three county names reference the State's English heritage—Hampshire County, named after the county in England; Berkeley County, named after the Royal Governor of Virginia, Norborne Berkeley; and Raleigh County, named after the English explorer Sir Walter Raleigh.

Several counties are named after prominent Virginians, reflective of West Virginia's origins as a part of the Commonwealth of Virginia. Still other county names commemorating frontiersmen like Daniel Boone and Lewis Wetzel remind us of West Virginia's time at the fringes of the American union, when the Nation was still young and growing. Counties named after Native Americans like the Mingo Chief Logan, Powhatan princess Pocahontas, and the Mingo tribe, however, speak to West Virginia's even earlier history. Five county names celebrate natural features like rivers or the minerals that are West Virginia's great natural treasure.

The stories of all these people, places, and things help to tell the history of West Virginia. It is a rich, complex and fascinating tale full of hope and hardship, triumph and tragedy. From the Native Americans who lived and hunted these rich woodlands, to the hearty settlers who built new lives in the hollows and along the rivers, West Virginia is full of unwritten history marked only by trails, mounds, campsites, and old homesteads. Modern history is built of soft red brick and bright limestone, iron rail lines and asphalt highways painstakingly carved through the hills. Every county is full of scenic drives, history, natural wonders, beautiful handcrafted goods and foods, and—most of all—welcoming people.

Throughout her history, the State's motto has shone through: ''Mountaineers are always free.'' West Virginians value grit and hard work put forth by individuals. Populated by hardworking families and individuals, West Virginians also value their close-knit communities. You can see that spirit whenever natural disasters bring neighbors together to work together in the aftermath of storm or flood. The same friendly atmosphere fills the many festivals and celebrations held throughout the State virtually every weekend.

I urge those listening to come and explore West Virginia. We are closer than you think, but thanks to the mountains that have shaped our history, still quiet and unspoiled. I know that I may be a little bit biased, but West Virginia is my favorite State, full of never ending variety and great beauty in every season. From the colonial and Civil War history in the eastern panhandle's Harper's Ferry and Berkeley Springs, to the whitewater adventures offered on the Gauley and other rivers,

West Virginia offers something for every taste. You can sample true luxury at the Greenbrier resort or ski and snowboard in the Canaan Valley. You can hunt game or the works of great artisans; listen to bluegrass music or to the wind blowing through the trees. West Virginia has been waiting for you for 146 years—come and celebrate with her.●

CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 311(a) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, the aggregates, and other appropriate levels in the resolution for legislation that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the regulatory activities. Additionally, section 307 of S. Con. Res. 13 permits the chairman to adjust the allocations of a committee or committees, aggregates, and other appropriate levels in the resolution for legislation that, among other things, reduces or eliminates the offset between the Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation. The adjustments under both reserve funds are contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

On June 3, I made revisions to S. Con. Res. 13 pursuant to sections 311(a) and 307 for an amendment in the nature of a complete substitute to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. The complete substitute to the House-passed bill was passed by the Senate on June 11 and by the House on June 12, clearing it for the signature of the President.

The adjustment on June 3 was based on information provided by the Congressional Budget Office. Since that time, CBO has revised its estimate of the cost of H.R. 1256 to reflect an earlier date of enactment. Even with the changed date of enactment and revised estimate, H.R. 1256 still qualifies for reserve fund adjustments pursuant to sections 311(a) and 307. As a consequence, I am revising the adjustments I made on June 3 to reflect CBO's updated estimate. These revisions affect the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Health, Education, Labor, and Pensions Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 13 printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311 DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION AND SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,653.728
FY 2011	1,929.681
FY 2012	2,129.668
FY 2013	2,291.197
FY 2014	2,495.875
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	−12.258
FY 2011	−158.950
FY 2012	−230.725
FY 2013	−224.140
FY 2014	−137.783
(2) New Budget Authority:	
FY 2009	3,674.408
FY 2010	2,892.472
FY 2011	2,844.908
FY 2012	2,848.113
FY 2013	3,012.187
FY 2014	3,188.874
(3) Budget Outlays:	
FY 2009	3,358.512
FY 2010	3,005.683
FY 2011	2,969.119
FY 2012	2,883.129
FY 2013	3,019.577
FY 2014	3,174.976

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311 DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION AND SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS

[In millions of dollars]

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	−22,436
FY 2009 Outlays	−19,058
FY 2010 Budget Authority	4,487
FY 2010 Outlays	1,526
FY 2010–2014 Budget Authority	50,366
FY 2010–2014 Outlays	44,491
Adjustments:	
FY 2009 Budget Authority	11
FY 2009 Outlays	2
FY 2010 Budget Authority	10
FY 2010 Outlays	13
FY 2010–2014 Budget Authority	8
FY 2010–2014 Outlays	16
Revised Allocation to Senate Health, Education, Labor, and Pensions Commitee:	
FY 2009 Budget Authority	−22,425
FY 2009 Outlays	−19,056
FY 2010 Budget Authority	4,497
FY 2010 Outlays	1,539
FY 2010–2014 Budget Authority	50,374
FY 2010–2014 Outlays	44,507

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is $90.745 billion, and for 2010, it is $130 billion.

On May 19, I made two adjustments pursuant to section 401(c)(4) for H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. H.R. 2346 passed the Senate on May 21.

I find that the conference report for H.R. 2346, which was filed on June 12, 2009, also fulfills the conditions of section 401(c)(4). As a result, for fiscal years 2009 and 2010, I am further revising the adjustments made on May 19 to the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays. When combined with those previous revisions, the total amount of the adjustment pursuant to section 401(c)(4) for 2009 is $90.73 billion in discretionary budget authority and $27.029 billion in outlays, and the total amount of the adjustment for 2010 is $11 million in discretionary budget authority and $34.239 billion in outlays. In addition, I am also further revising the aggregates consistent with section 401(c)(4).

I ask unanimous consent to have the following revisions to S. Con. Res. 13 printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,653.728
FY 2011	1,929.681
FY 2012	2,129.668
FY 2013	2,291.197
FY 2014	2,495.875
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	−12.258
FY 2011	−158.950
FY 2012	−230.725
FY 2013	−224.140
FY 2014	−137.783
(2) New Budget Authority:	
FY 2009	3,675.923
FY 2010	2,892.478
FY 2011	2,844.908
FY 2012	2,848.113
FY 2013	3,012.187
FY 2014	3,188.874
(3) Budget Outlays:	
FY 2009	3,359.154
FY 2010	3,004.508
FY 2011	2,970.563
FY 2012	2,883.051
FY 2013	3,019.923
FY 2014	3,175.114

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Initial allocation/ limit	Adjustment	Revised allocation/ limit
FY 2009 Discretionary Budget Authority	1,480,686	1,515	1,482,201
FY 2009 DiscretionaryOutlays	1,247,230	642	1,247,872
FY 2010 Discretionary Budget Authority	1,086,021	6	1,086,027
FY 2010 Discretionary Outlays	1,307,240	−1,175	1,306,065

PRESIDENTIAL MEMORANDUM

Mr. LEAHY. Mr. President, I am pleased that today President Obama issued a Presidential Memorandum on Federal Benefits and Non-Discrimination that will extend a number of benefits to same-sex partners that are afforded to spouses of Federal employees. I applaud the President for this effort to promote fairness in the workplace. It is a step in the right direction towards equalizing benefit coverage for all Federal employees.

The memorandum will enable domestic partners of civil service Federal employees to be added to their long-term care insurance program, and enable employees to use their sick leave to take care of domestic partners and nonbiological, nonadopted children. The memorandum also extends a number of benefits to same-sex partners of Foreign Service employees, including the use of medical facilities at posts abroad, medical evacuation from posts abroad, and inclusion in family size for housing allocations.

Equal pay for equal work is a cornerstone of our country's bedrock principles, and equal access to important benefits should share that importance. Insurance benefits, work incentives, and retirement options comprise a significant portion of all employee compensation. By not offering domestic partnership benefits to its employees, the Federal Government is unfairly withholding these valuable options from dedicated employees across the country. President Obama's Memorandum is a step forward towards having a fair and consistent policy.

This step by the President brings the Federal Government in line with many of America's largest and most successful companies, as well as State and local governments and educational institutions, which already extend benefits to same-sex couples. Over half of all Fortune 500 companies provide domestic partner benefits to their employees, up from just 25 percent in 2000. Offering domestic partnership benefits to Federal employees improves the quality of its workforce and demonstrates the Federal Government's commitment to fairness and equality for all Americans.

I am a proud cosponsor of the Domestic Partnership Benefits and Obligations Act of 2009, introduced by Senators LIEBERMAN and COLLINS, which would provide domestic partners of Federal employees all of the same protections and benefits afforded to spouses of Federal employees, including participation in applicable retirement programs, compensation for work injuries, and health insurance benefits. I am also a cosponsor of the Tax Equity for Health Plan Beneficiaries Act of 2009, which would end the taxation of health benefits provided to domestic partners in workplaces that provide domestic partner health benefits to their employees.

Providing benefits to domestic partners of Federal employees is long overdue. I look forward to working with the Obama administration and Members on both sides of the aisle to continue to make progress towards equality in the workplace.

175TH ANNIVERSARY OF THE FOUNDING OF FORT LARAMIE

Mr. BARRASSO. Mr. President, I rise today to recognize the 175th anniversary of the founding of Fort Laramie, the first permanent settlement in what would become the State of Wyoming.

In the spring of 1834, William Sublette led a supply caravan to the annual fur trappers' rendezvous held on the Ham's Fork of the Green River. On May 30, 1834, Sublette and his men paused to camp at the confluence of the Laramie and North Platte Rivers. It was here that Sublette and his partner, Robert Campbell, agreed to build a new trading post. Their intent was to dominate the central Rocky Mountain fur trade. William Marshall Anderson wrote in his diary, ''This day we laid the foundation log of a fort.'' That log would be the cornerstone of the first permanent settlement in the future State of Wyoming. Sublette's trading post was officially named Fort William, although it was commonly referred to as the fort on Laramie's Fork or Fort Laramie.

Fort William was humble in size, measuring only 100 feet by 80 feet. The palisade was formed by 15-foot hewn cottonwood logs. There were log blockhouses located at diagonal corners. A third blockhouse, with mounted cannon, was over the main gate. Inside the fort was a series of cabins and storehouses with flat tops that nearly reached the top of the fort's walls. The fort's small size was in contrast to the large role it would play in American history.

The fort eventually became one of the principal trading centers with the Indian tribes of the Northern Plains, especially the Oglala and Sicangu Lakota. The beaver trade was already in decline at the time of Fort William's construction. Campbell and Sublette recognized that the future of the fur trade lay not in trapping, but in trading with the native peoples of the plains for buffalo robes. Each spring, caravans arrived at the fort with trade goods. In the fall, tons of buffalo hides and other furs were shipped east.

By 1841, the cottonwood log walls of Fort William had already begun to deteriorate and were in need of replacement. The owners of the fort erected a new adobe walled trading post nearby, naming it Fort John. Like its predecessor, however, it was popularly referred to as Fort Laramie. As the buffalo robe trade declined, the number of emigrants passing on their way to California, Oregon, and Utah grew from a trickle to a torrent. The fort rapidly became a major weigh station along the emigrant trails. As a result, the U.S. Government purchased the fort in 1849 and officially named it Fort Laramie.

Over the years, Fort Laramie filled a variety of roles as one of the largest and most important military post on the Northern Plains. The Northern Plains tribes fiercely defended their homeland against settlement by an ever-expanding Nation. Numerous military campaigns were launched from the fort. Important treaty negotiations with Indian tribes were also conducted at the fort. The most famous of these were the Horse Creek Treaty of 1851 and the still contested Treaty of 1868.

Eventually, Fort Laramie became a center of commerce for local homesteaders and ranchers. Fort Laramie saw rapid advances in communication and transportation technology. The Pony Express, the Transcontinental Telegraph, and stage lines passed through the fort. Fort Laramie truly became the ''Crossroads of a Nation Moving West.''

With the end of the Indian wars, Fort Laramie's usefulness to the government rapidly faded. The fort was abandoned in 1890 and sold at public auction. Fort Laramie slowly deteriorated over the next 48 years and nearly succumbed to the ravages of time. On July 16, 1938, President Franklin D. Roosevelt signed a proclamation creating the Fort Laramie National Monument. With the determined efforts of local citizens and Wyoming State legislators, the preservation of the site is secure. The fort was redesignated a National Historic Site by an act of Congress on April 29, 1960. It was listed on the National Register of Historic Places in 1966. In 1978, it was expanded to its present size of 835 acres by an act of Congress.

The Fort Laramie National Historic Site is administered by the National Park Service and is open to the public throughout the year. Interpretive programs are offered with living history talks and demonstrations available in the summer months. These programs offer visitors a chance to experience life on the frontier.

The site has an intensive preservation program to ensure the integrity of the historic structures for generations to come. Ten historic buildings have been completely restored and refurnished. These allow visitors a rare glimpse into the daily workings of a 19th century Indian Wars military post. The ruins and foundations of numerous other buildings are also preserved at this nationally significant historic treasure.

In celebration of the 175th anniversary of the founding of Fort Laramie, I invite my colleagues to visit the Fort Laramie National Historic Site. I congratulate the staff and volunteers whose dedication makes this piece of our history available to visitors from all over the world.

PRAGUE CONFERENCE ON HOLOCAUST ASSETS

Mr. CARDIN. Mr. President, I am delighted the Senate is poised to consider and pass S. Con. Res. 23 in support of the goals and objectives of the Prague Conference on Holocaust Era Assets.

The Prague Conference, which will be held June 26 through June 30, will serve as a forum to review the achievements of the 1998 Washington Conference on Holocaust Era Assets. That meeting brought together 44 nations, 13 nongovernmental organizations, scholars, and Holocaust survivors, and helped channel the political will necessary to address looted art, insurance claims, communal property, and archival issues. The conference also examined the role of historical commissions and Holocaust education, remembrance, and research. While the Washington Conference was enormously useful, more can and should be done in all of these areas. Accordingly, the Prague Conference provides an important opportunity to identify specific additional steps that countries can still take.

The Holocaust left a scar that will not be removed by the Prague Conference. But this upcoming gathering provides an opportunity for governments to make tangible and meaningful progress in addressing this painful chapter of history. I commend the Czech Republic for taking on the leadership of organizing this meeting and welcome the appointment of Ambassador Stuart E. Eizenstat, former Treasury Deputy Secretary and former Department of State Under Secretary for Economic Affairs, to head the U.S. delegation to the Prague Conference. Ambassador Eizenstat is uniquely qualified to represent the United States at this historic gathering.

I would like to express my gratitude to Senators KERRY and LUGAR, the chair and ranking member, respectively, of the Foreign Relations Committee, for cosponsoring and reporting this resolution expeditiously.

REMEMBERING ABRAHAM LINCOLN

Mr. BURRIS. Mr. President, born in a log cabin west of the Appalachians, Abraham Lincoln grew up in an average family with modest means. Yet despite only 18 months of education and family hardships, Lincoln's strength of character, persistence, and drive are among the many reasons he remains relevant to Americans today. Lincoln's legacy continues to impact the young and old alike even as our country changes and grows.

In an attempt to celebrate the life of the great Abraham Lincoln, an essay contest was held in Illinois, ''The Land of Lincoln.'' Students across the State answered the question: Why is Abraham Lincoln still important today? The following essays celebrate the life and legacy of Lincoln and at the same time showcase the talent of young people across the great State of Illinois. I congratulate Megan Hendrickson, Ahsan Jiva, and Hannah Binnion for their extraordinary essays, and I encourage all students to continue to explore the history and lessons of our remarkable 16th President.

I ask unanimous consent to have the following three essays printed in the RECORD.

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

WHY IS ABRAHAM LINCOLN STILL IMPORTANT TODAY?

(By Megan Hendrickson, Sixth Grade, Miss Jaskowiak)

At the beginning of creation God created mankind in his own image with the intent that all would be treated equally. On January 1, 1863 President Abraham Lincoln established a document called the Emancipation Proclamation freeing the African American slaves from their slave owner's farms. But still, why is Abraham Lincoln still important today? First, Abe Lincoln abolished slavery. Next he kept the nation as one so we would act as one nation not two, and remain strong. Last but not least, Abe led the nation through the Civil War as Commander in Chief.

President Abraham Lincoln put slavery to a halt when he signed the Emancipation Proclamation to abolish slavery. Today, this has had a huge impact on us. The slavery halt is one of the reasons we have our 44th President Barrack Obama. If we still had slavery, we might be two separate nations, the North and the South, and many of the opportunities for African Americans that we have today, simply would not have been possible. When Abe stopped slavery it still didn't stop people from doing horrible things to people. Slavery had ended, but segregation and racial discrimination started. That was the worst part. Many of these things have taken more than a century to bring about change. We went through a time when African American people couldn't even go to school or ride on the bus with others, or they had to sit in the back. I believe if it weren't for Abraham Lincoln, some of these changes might not have even come about and we might still have segregation in schools and public transportation. I believe that Lincoln's feelings regarding race and equality were summed up when he said, ''but there is only one race, the human race.''

President Lincoln kept the country together at a time when the southern half of the nation was trying to separate from the Union over the issue of slavery. Lincoln said, ''This nation cannot exist half slave and half free'' and that ''A house divided against itself cannot stand.'' The quote is relative to Abraham Lincoln holding the nation in one or in other words us being one with each other as a nation. Had Lincoln not taken such a strong stand against slavery, and had the strength and courage to hold this country together, our country might not be what it is today. Lincoln held strong to his faith and beliefs even though he knew it would bring about the Civil War.

Abe led the country through war as Commander in Chief, leading with pride and hope for our country. He had entered his Presidency with a task before him greater than he felt he himself could handle, but felt that with God's help and for the sake of our nation, he could not fail. Had Lincoln not had the courage to lead us into and through the Civil War, for the cause that he believed was right, where would our country be today?

Our nation and the world only have one race, the human race. I believe that President Lincoln believed this, and took a stand on his beliefs that have had more than a hundred years of changes in our nation. We all can see why Abraham Lincoln is important today by looking at history and seeing the changes that have taken place over time regarding race and equality. We should all work together as one nation to continue President Abraham Lincoln's legacy and belief that all men are created equal.

WHY IS ABRAHAM LINCOLN STILL IMPORTANT TODAY?

(By Ahsan Jiva, Grade 5, Mrs. L. Anderson)

Abraham Lincoln lived a great life. I don't think there will ever be a person as special and important as him. He helped stop slavery, he had famous speeches, and served as president. The list goes on and on. And that is why he still means so much to us today.

Abraham Lincoln grew up in Hardin Country, Kentucky in 1809. As a child, Abraham Lincoln didn't go to school much, which to me is really hard to believe. When Lincoln grew older, the chopped rails and fences for a living. Even though he didn't go to college, he was still able to be a lawyer. After that he tried for the senate. But he didn't make it. Those are just some of the reasons why Lincoln is honored and respected today.

After working a lot, Abraham Lincoln finally became the sixteenth president of the United States. He married Mary Todd Lincoln and had four children. He went against slavery and tried to prove that to people who didn't believe slavery should be stopped. He has once said, ''Whenever I hear anyone arguing for slavery, I feel a strong impulse to see it tried on him personally.'' He fought for the slaves' freedom in the Civil War and won. He signed the Emancipation Proclamation and set all the slaves free. But during the Civil War, Lincoln gave one of the most brilliant speeches of all time. It wasn't very long but it had tons of meaning. It was called the Gettysburg Address. He gave it after the brutal battle of Gettysburg, Pennsylvania. That speech made him famous back then and what makes him important today.

Even though he is not with us today, he is very hard to forget. He is on the penny and fiver dollar bill. He also has famous monuments made for him, such as the Lincoln Memorial and Mount Rushmore. He will especially remembered in Illinois, because he spent a lot of his time here. He's known for his tall hat and the first president with a beard. He was also fond of pets. He is known for his many quotes, such as ''I leave you, hoping that the lamp of liberty will burn in your bosom, until there shall no longer be doubt, that all men are created equal''. There are many more credentials of Abraham Lincoln, but I think I'll stop right there because I don't think there are enough pieces of paper to list all of Lincoln's accomplishments.

Abraham Lincoln was living a great life but sadly it had to end because while he was enjoying a play at Fords Theater, he was assassinated by John Wilkes Booth in 1865. He lived to be fifty-six years old. Lincoln's death broke the heart of many people. He was buried in Springfield, Illinois.

Abraham Lincoln will be missed a lot. His death was very unfortunate, especially since he was in his second term as president. He was important in so many ways. Although he is not with us today he will be remembered forever.

WHY IS ABRAHAM LINCOLN STILL IMPORTANT TODAY?

(By Hannah Binnion, Grade 3, Miss Alday)

Abraham Lincoln is still important today because he was honest. He had a customer that paid too much so he ran miles to give her extra change back. Abe didn't like slavery so he made a law when he was the president stating ''There was to be no more slaves.'' This law helped free slaves. It seemed that he cared not only for himself but for others as well. He wanted to avoid war at any cost it was difficult.

President Lincoln liked to be funny and kind. He loved books for fun and to learn. Lincoln set an example that if we helped others even if their from different cultures we'll get along better.

I feel this is why Abraham Lincoln is still important today. I feel that it is important for us to be honest and not think of people from different cultures as bad and different then we are because of who they are, we should be treated equal.

Lincoln set an example that if we follow his example, it would make us and our community better. He helped us regain our freedom for our countries rights.

ADDITIONAL STATEMENTS

REMEMBERING

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Luke Cole, a leading environmental attorney and founder and executive director of the Center on Race, Poverty and the Environment. Mr. Cole passed away on June 6th as the result of a car accident in Uganda. He was 46 years old.

Luke Cole was born in North Adams, MA, on July 15, 1962. He spent parts of his childhood in New York and Santa Barbara, where his father was an art historian at the University of California at Santa Barbara. During this period, Mr. Cole often accompanied his father on research trips to Nigeria. He graduated from Stanford University and Harvard Law School.

Mr. Cole decided against potentially more lucrative career paths in favor of one that allowed him to follow his heart and enable him to make an impact on issues that he cared about most deeply: social justice and the environment. As a result of Mr. Cole's determination and vision, what began with a desk and a phone at a friend's office became the San Francisco-based nonprofit law center, the Center on, Race, Poverty and the Environment. Today, the center has a staff of 20 and offices throughout central California.

Mr. Cole's accomplishments as the executive director of the Center on Race, Poverty and the Environment were numerous and significant. From the rural communities of California's San Joaquin Valley to a 4,000-year-old Inupiat Eskimo village in Kivalina, AK, his legacy can be seen in the traditionally underserved communities that he worked so hard to save from the effects of harmful pollutants. His unyielding commitment to environmental justice inspired and empowered many people from minority communities to take a more active role in combating environmental racism.

In addition to his leadership of the Center on Race, Poverty and the Environment, Mr. Cole also served on the United States Environmental Protection Agency's National Justice Advisory Council and taught environmental justice seminars at Stanford Law School and UC Berkeley's Boalt Hall School of Law. A man of many interests, he was also a dedicated bird watcher and root beer connoisseur, and possessed an extensive collection of miniature spy cameras and bobblehead dolls. He will be missed.

Mr. Cole is survived by his wife Nancy Shelby; father Herbert; mother Alexandra Cole, and stepmother Shelley Cole; two brothers Peter and Thomas; sister, Sarah; stepbrother Daryn; and son Zane.●

COMMENDING TOM MASTERSON

● Mr. BUNNING. Mr. President, today I pay tribute to Tom Masterson for being selected by the U.S. Small Business Administration as the Kentucky Small Business Person of the Year.

Tom Masterson is president of T.E.M. Electric Company, a minority-owned firm with offices in both Louisville and Lexington. He was nominated by Bechtel Parsons and subsequently selected as the recipient of the Kentucky Small Business Person of the Year award. Not only was Tom Masterson honored at the Governor's Mansion in Frankfort, but the award was also presented during National Small Business Week in Washington, DC. As stated by President Obama at a White House ceremony, Masterson started the business with his own funds and worked from his own home until he landed his first contract. Today, he now employs 75 people and has more than $12 million of annual revenue.

I now ask my fellow colleagues to join me in congratulating Tom Masterson, the recipient of the Small Business Person of the Year for Kentucky award. His work ethic and dedication are to be admired and he is an inspiration to us all.●

RECOGNIZING SHAWN P. MOORE

● Mr. BUNNING. Mr. President, today I would like to recognize Mr. Shawn P. Moore as a recipient of the 2009 James Madison Memorial Fellowship. Mr. Moore is a teacher at Russell High School in Russell, KY, and was given this award as a result of his success at the 18th annual fellowship competition.

Mr. Moore was selected for a James Madison Fellowship in competition with applicants from each of the 50 States and U.S. territories. This award requires its recipient to teach American history or social studies in a secondary school for at least 1 year for each year of fellowship support. This fellowship is directed toward current and prospective teachers of American history and social studies and supports graduate study of the history and principles of the Constitution of the United States.

Again, I congratulate Mr. Moore for his hard work and thank him for his dedication to shaping the minds of young Kentuckians. It is teachers like Mr. Moore who will ensure that there will always be a bright future for the Commonwealth.●

CONGRATULATING BEECHWOOD HIGH SCHOOL IN KENTUCKY

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Beechwood High School in Fort Mitchell, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Beechwood High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Beechwood High School. Their commitment

to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING CAMPBELLSVILLE UNIVERSITY

● Mr. BUNNING. Mr. President, today I congratulate Campbellsville University for competing in the National Association of Intercollegiate Athletics, NAIA, World Series in Lewiston, ID. This is the first time the Campbellsville University Tigers have in the school's history made it to the first round of the NAIA World Series.

Head coach Beauford Sanders has led the Campbellsville University Tigers to the NAIA Region XI Qualifier six times in the past 11 years. In addition to their achievements on the field, the CU Tigers also have achieved in the classroom a graduation rate of 90 percent of players reaching senior status and a cumulative grade point average of 3.0.

Again, I congratulate Campbellsville University for making it into the NAIA World Series. The CU Tigers have given Kentuckians a team that we can hang our hat on and be proud to call our own. I commend the CU Tigers baseball team for their achievements not only on the field but also for their academic accomplishments.●

CONGRATULATING EASTERN HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Eastern High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Eastern High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Eastern High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING HIGHLANDS HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Highlands High School in Fort Thomas, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Highlands High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Highlands High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING MALE TRADITIONAL HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Male Traditional High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Male Traditional High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Male Traditional High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

COMMENDING DELEGATE CAROLYN J. KRYSIAK

● Mr. CARDIN. Mr. President, I congratulate Delegate Carolyn J. Krysiak on the occasion of her 70th birthday. Carolyn is a mother of five children whose husband Charles served with me in the Maryland House of Delegates and then as chairman of the Maryland Workers' Compensation Commission. Carolyn became interested in public service to serve her community. She served on boards that worked to create jobs and to support and attract neighborhood businesses. She was a founding member of the Southeast Senior Housing Initiative and an active member of the Polish Women's Alliance and the Polish Home Club.

Carolyn was elected to the Maryland House of Delegates in 1990. She has served her constituents in Baltimore City and the State of Maryland with distinction. As a member of the House Economic Matters Committee, she has provided leadership on subcommittees dealing with such diverse issues as health insurance, real property, unemployment insurance, property and casualty insurance, and business regulation. She has chaired the House Facilities Committee and the Worker's Compensation Benefit and Insurance Oversight Committee, as well as the Democratic Party Caucus.

I ask my colleagues to join me, Delegate Krysiak's colleagues, family, and friends in thanking Carolyn for her dedication and commitment to public service and wishing her a happy birthday.●

125TH ANNIVERSARY OF BOTTINEAU, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On June 18 to 21, the residents of Bottineau will gather to celebrate their community's history and founding.

Originally founded in 1883 as Oak Creek, the town was designated the county seat in 1884. It changed its name to Bottineau, taking its new name from Pierre Bottineau, a pioneer, hunter, and frontiersman. 3 years later, the town relocated 1½ miles so that it would be along the newly installed railroad tracks. The town lies in north-central North Dakota and is now home to over 2,000 residents.

Today, Bottineau has many things to be proud of. The Bottineau County Fair is North Dakota's oldest county fair. The county also houses Bottineau Winter Park, often called the Jewel Above the Prairie, which remains a perennial attraction. And the town of Bottineau is known for ''Tommy Turtle,'' the world's largest turtle, which stands 30 feet tall and is said to have been built as a symbol of the Turtle Mountains.

The citizens of Bottineau clearly value education, as their town is home to Minot State University's Bottineau Campus. Apart from its academic success, the campus has also seen athletic success in recent years, with the Lumberjacks hockey team claiming three consecutive national championships in the last 3 years. Both the Lumberjacks and the Ladyjacks have had accomplished seasons in the past several years. Additionally, the campus has added new sports teams in recent years—something that bodes well for the future of the school.

In honor of the city and county's 125th anniversary, officials have organized a vibrant celebration that includes basketball and golf tournaments, art and quilt shows, class and city gatherings, games for the young and old, a dance, and a centennial parade.

Mr. President, I ask the Senate to join me in congratulating Bottineau, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Bottineau and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Bottineau that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Bottineau has a proud past and a bright future.●

125TH ANNIVERSARY OF BRADDOCK, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On June 25 to 28, the residents of Braddock will gather to celebrate their community's history and founding.

Settlers first came to the area in 1883 and founded Braddock shortly thereafter, making it the oldest existing town in Emmons County. Located in south-central North Dakota, Braddock was established as the first railroad town in the county. Frederick Underwood, president of the Soo Railroad, named the town in honor of his good friend, County Auditor Edward Braddock.

Today, Braddock remains a close-knit community. Though small, Braddock is known across the State for the popular Johnny Holm concerts it hosts every year, as well as for the excellent hunting grounds in the area. The citizens of Braddock are very involved in their community and have many active organizations, including Saint Katherine's Altar Society, the Lions Club, the Senior Citizens Organization, and the South Central Threshers Association.

The people of Braddock have planned a lively celebration in honor of the town's 125th anniversary. Activities include a beard-judging contest, duck race, tractor trek, fashion show, outdoor concerts, and a parade.

Mr. President, I ask the Senate to join me in congratulating Braddock, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Braddock and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Braddock that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Braddock has a proud past and a bright future.●

125TH ANNIVERSARY OF NAPOLEON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I wish to recognize a community in North Dakota that is celebrating its 125th anniversary. On June 11 to 14, the residents of Napoleon gathered to celebrate their community's history and founding.

Founded in 1884, Geo H. Cook from Steele, ND, first surveyed and platted the Napoleon town site. The city was named after the president of the Napoleon Townsite Company, Napoleon Goodsill. This company constructed the first building in Napoleon. It soon became the county seat, a title the city still holds today despite numerous challenges over the years. In 1914, Napoleon became incorporated as a village and later was recognized as a city in 1947.

Located in south central North Dakota, Napoleon's beautiful parks and recreation provide its residents with great enjoyment. Napoleon Country Club is a picturesque nine-hole golf course located just 1 mile outside of the city. The Napoleon City Park has 12 campsites along with basketball, tennis, and volleyball courts. Beaver Lake State Park is also nearby which provides fantastic hunting, fishing, and boating.

Today, Napoleon is a rural agricultural community that is excited to celebrate its quasquicentennial. Currently, Napoleon is building an elevator which will provide improved service to a unit train for grain hauling, and wind farm projects are beginning in the city.

To celebrate its 125th anniversary, Napoleon held a number of exciting events. The Opening Ceremony included music, city hall dignitaries, and a fly over. The festivities continued all weekend with entertainment such as a softball tournament, 4–H and Future Farmers of America livestock show, craft vendor show, 3 on 3 basketball tournament and a magician, followed by street dances at night. The events concluded on Sunday with a demolition derby.

Mr. President, I ask the Senate to join me in congratulating Napoleon, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Napoleon and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Napoleon that have helped to shape this country into what it is today, which is why the community of Napoleon is deserving of our recognition.

Napoleon has a proud past and a bright future.●

COMMENDING ERMA MARY PALIANI

● Mr. LIEBERMAN. Mr. President, Washington is a city of big names and big personalities, many of whom are used to the recognition and praise that comes with a high-profile career in public service. But, as we all know, hundreds of thousands of unsung public servants work behind the scenes every day to secure the future of America and improve the lives of its citizens. Today, I want to pay tribute to one of those public servants, who is as deserving of the public's gratitude and recognition as any officeholder with a household name: Erma Mary Paliani.

On July 3, Ms. Paliani, who currently works for Immigration and Customs Enforcement, ICE, Office of Investigations, will retire after serving her country for over 67 years. Ms. Paliani, or ''Ms. Erma'' as she is affectionately referred to by her coworkers at ICE, is the longest serving employee in the Department of Homeland Security and the eighth longest serving employee in the Federal Government. Her dedication to public service is truly an inspiration and should serve as an example to us all.

Born in Ambridge, PA, in 1917, Ms. Paliani entered public service as a student at Ambridge Senior High School, serving as a youth worker for the National Youth Administration of the War Department in 1936. In 1940, she officially began her Federal career working for the War Department's Museum Project. In March 1947, Ms. Paliani joined the Immigration and Naturalization Service, INS, Philadelphia office. And 2 years later, she was transferred to the INS headquarters in Washington DC, where she has spent the last 60 years working to make our Nation's immigration system work more efficiently.

At the INS, Ms. Paliani quickly gained a reputation for her friendly demeanor, gentle smile, and steadfast commitment to government service. She is now retiring from her job as secretary to the deputy assistant director for the Critical Infrastructure and Fraud Division. Her long and productive tenure has been honored by many top government officials, including Attorney General Janet Reno, INS Commissioner Doris Meissner, Secretary of Homeland Security Michael Chertoff, and President Bill Clinton, who, in a note written to Ms. Paliani on the occasion of her 80th birthday, wrote that her devotion to her work ''. . . serves as an example of caring and leadership to which we can all aspire.'' I couldn't agree more.

I extend to Ms. Paliani my sincerest thanks for her years of service and her dedication to this country that we love, and I wish her all the best on a well deserved retirement. I know that her friends and coworkers at ICE will miss her greatly, but I am confident that she will continue to serve as a model of hard work and commitment for all public servants to emulate.

Thank you, Ms. Erma Mary Paliani. The country is a better place because of you. We are all grateful for your selfless dedication to your government and your Nation.●

COMMENDING ALLAGASH BREWING COMPANY

● Ms. SNOWE. Mr. President, in today's uncertain and difficult economic climate, countless small businesses are seeking new tools and resources to stay afloat. That is why we passed the American Recovery and Reinvestment Act—to get our economy on the right track, and to help those business owners in need of a lifeline to outlast this recession. I rise today to recognize a small brewer from my home State of Maine that is making use of a critical provision that was included in the bill.

Allagash Brewing Company is a small brewery based in Maine's largest city, Portland. Founded in 1995 by owner Rob Tod, Allagash's mission was to fill a missing niche in American craft brewing movement—Belgian style

beers. Mr. Tod noticed the prevalence of British and German style beers, but felt that consumers were missing out on a quality product. And so, he began producing Allagash White, his version of the traditional Belgian white beer. It was an immediate hit in the Portland area, and Mr. Tod soon began shipping the beer across Maine. He also hired two additional brewers and embarked on the production of a new Allagash Double Ale, modeled after another Belgian style established by Trappist monks centuries ago, and still popular to this day. Over time, Allagash's line of beers has grown to include roughly 20 exquisite styles available in over 20 States nationwide, including a ''Reserve'' line of distinctive beers that have been fermented twice, through a time-honored process known as the méthode champenoise.

As a unique way to give back to the greater Portland community, the brewery has established an Allagash Tribute Series, whereby the company donates $1 from the sale of every bottle of specific beers to local nonprofits, charities, and other civic organizations. For example, sale of the Fluxus variety helps the Allagash Pediatric Scholarship, established to support the training of nurses at the Maine Medical Center. Additionally, the sale of Hugh Malone Ale assists the Maine Organic Farmers and Gardeners Association, America's oldest and largest coalition of State organic farmers with over 5,500 members. And Victoria Ale benefits the restoration of downtown Portland's Victoria Mansion, a national historic landmark.

In addition to caring for its neighbors, Allagash takes care of its own employees. Mr. Tod offers health care to all 20 of his employees. Furthermore, to invest in his company's—and, therefore, his employees'—future, Mr. Tod has already taken advantage of a small business expensing provision that was part of the Recovery Act signed into law earlier this year. The measure provides an extension for 2009 of enhanced section 179 small business expensing at a level of $250,000, allowing small businesses in Maine and throughout the Nation to make investments in plant and equipment that they can deduct immediately instead of depreciating over a period of 5, 7, or more years. This offers entrepreneurs like Rob Tod the ability to grow and bolster their businesses despite the troubling economic picture.

A small brewery with a big heart, Allagash Brewing Company's commitment to community and employees is impressive, and a model for other small businesses. Additionally, Allagash is working in smart and effective ways to emerge from this recession stronger than before. I commend Rob Tod and everyone at Allagash for their stellar work ethic and their fine products, and wish them much success in crafting a solid future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

At 11:14 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 614. An act to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 403. An act to provide housing assistance for very low-income veterans.

H.R. 780. An act to promote the safe use of the Internet by students, and for other purposes.

H.R. 1674. An act to amend the National Consumer Cooperative Bank Act to allow for the treatment of the nonprofit corporation affiliate of the Bank as a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994.

H.R. 2247. An act to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act.

H.R. 2470. An act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the ''Lieutenant Commander Roy H. Boehm Post Office Building''.

MEASURES REFERRED

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

H.R. 403. An act to provide housing assistance for very low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 780. An act to promote the safe use of the Internet by students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1674. An act to amend the National Consumer Cooperative Bank Act to allow for the treatment of the nonprofit corporation affiliate of the Bank as a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2247. An act to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2470. An act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the ''Lieutenant Commander Roy H. Boehm Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2011. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Significant Price Discovery Contracts on Exempt Commercial Markets; Final Rule'' (RIN3038–AC76) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2012. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Conflicts of Interest in Self-Regulation and Self-Regulatory Organizations'' (RIN3038–AC28) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2013. A communication from the General Counsel of the Department of Defense, transmitting, the report of proposed legislation relative to the Defense Cyber Crime Center: Authority to Admit Private Sector Civilians to Cyber Security Courses and the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

EC–2014. A communication from the General Counsel of the Department of Defense, transmitting, the report of proposed legislation relative to the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

EC–2015. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Richard S. Kramlich, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2016. A communication from the Under Secretary of Defense for Acquisition, Technology and Logistics, transmitting, pursuant to law, a report relative to the E–2D Advanced Hawkeye (AHE) Program; to the Committee on Armed Services.

EC–2017. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2018. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on

the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–2019. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket ID FEMA–2008–0020)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2020. 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; Interim Rule'' ((44 CFR Part 65)(Docket ID FEMA–2008–0020)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2021. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; Final Rule'' ((44 CFR Part 64)(Docket ID FEMA–2008–0020)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2022. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a report of a confirmation in the position of Assistant Secretary for Public and Indian Housing in the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC–2023. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Bismarck, North Dakota'' ((DA 09–1236)(MB Docket No. 08–134)) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2024. A communication from the Acting Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, the report of proposed legislation relative to authorizing the Transportation Security Administration to adjust the fee imposed on passengers of air carriers and foreign air carriers to pay the costs of aviation security and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–2025. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Canton, Ohio'' ((DA 09–1209)(MB Docket No. 08–126)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2026. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Spokane, Washington'' ((DA 09–1225)(MB Docket No. 08–129)) received in the Office of the President of the Senate on June 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2027. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; 2009 Atlantic Bluefin Tuna Quota Specifications and Effort Controls'' (RIN0648–AX12) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2028. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rulemaking to Reaffirm the Promulgation of Revisions of the Acid Rain Program Rules'' (RIN2060–AP35) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC–2029. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Inclusion of CERCLA Section 128(a) State Response Programs and Tribal Response Programs'' (RIN2050–AG53) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC–2030. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Northern Virginia Reasonably Available Control Technology Under the 8–Hour Ozone National Ambient Air Quality Standard'' (FRL No. 898–2) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC–2031. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Alkyl Amine Polyalkoxylates; Exemption from the Requirement of a Tolerance'' (FRL No. 8418–6) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC–2032. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Reasonably Available Control Technology Under the 8–Hour Ozone National Ambient Air Quality Standard'' (FRL No. 8918–1) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Environment and Public Works.

EC–2033. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, a report relative to the Louisiana Coastal Wetlands Conservation and Restoration Task Force; to the Committee on Environment and Public Works.

EC–2034. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Port Limits of Dayton, Ohio, and Termination of the User–fee Status of Airborne Airpark in Wilmington, Ohio'' (CPB Dec. 09–19) received in the Office of the President of the Senate on June 12 , 2009; to the Committee on Finance.

EC–2035. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Election of Investment of Tax Credit in Lieu of Production Tax Credit; Coordination with Department of Treasury Grants for Specified Energy Property in Lieu of Tax Credits'' (Notice No. 2009–52) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Finance.

EC–2036. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Section 7874 Regarding Surrogate Foreign Corporations'' (RIN1545–BI81) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Finance.

EC–2037. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Separate Limitations to Dividends from Noncontrolled Section 902 Corporations'' (RIN1545–BB28) received in the Office of the President of the Senate on June 11, 2009; to the Committee on Finance.

EC–2038. A communication from the Broadcasting Board of Governors, transmitting, pursuant to law, the report of proposed legislation relative to Radio Free Asia and Radio Free Europe/Radio Liberty; to the Committee on Foreign Relations.

EC–2039. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the Semiannual Report from the office of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2040. A communication from the District of Columbia Auditor, transmitting a report entitled ''Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2009 Revenue Estimate in Support of the Issuance of $300,000,000 in Public Utility Senior Lien Revenue Bonds (Series 2009A)''; to the Committee on Homeland Security and Governmental Affairs.

EC–2041. A communication from the Acting Administrator, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, a report relative to the Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–2042. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2009'' (Rept. No. 111–28).

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 Mrs. SHAHEEN:

S. 1277. A bill to extend the temporary suspension of duty on bitolylene diisocyanate (TODI); to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. BROWN):

S. 1278. A bill to establish the Consumers Choice Health Plan, a public health insurance plan that provides an affordable and accountable health insurance option for consumers; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. HATCH, Mr. BEGICH, Mr. THUNE, Mr. TESTER, Mr. JOHANNS, Mr. DORGAN, and Ms. MURKOWSKI):

S. 1279. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program; to the Committee on Finance.

By Mr. CORKER (for himself, Mr. WARNER, and Mr. BENNETT):

S. 1280. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself and Mr. BEGICH):

S. 1281. A bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. RISCH, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 1282. A bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 1283. A bill to require persons that operate Internet websites that sell airline tickets to disclose to the purchaser of each ticket the air carrier that operates each segment of the flight, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mrs. BOXER):

S. 1284. A bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. GRAHAM):

S. 1285. A bill to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing exemptions, to ensure and open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. SHAHEEN (for herself, Ms. KLOBUCHAR, Mrs. BOXER, Mrs. MURRAY, Mr. DURBIN, Mr. DODD, Mr. SCHUMER, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. HARKIN, Mr. CARPER, Mr. SANDERS, Mr. KAUFMAN, Mr. WYDEN, Mr. KERRY, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mr. LEVIN, Mr. BROWN, Mr. WHITEHOUSE, Mr. BURRIS, Mr. UDALL of Colorado, Ms. STABENOW, Mr. BAUCUS, Ms. CANTWELL, Mr. BINGAMAN, Mr. INOUYE, Mr. CARDIN, Mr. SPECTER, Mr. JOHNSON, Mr. FEINGOLD, Mr. LEAHY, Mr. TESTER, Ms. SNOWE, Mr. BEGICH, Mr. AKAKA, Mr. BENNET, Mrs. FEINSTEIN, Mr. WARNER, Mrs. MCCASKILL, Mr. REED, Mr. KENNEDY, Mr. MERKLEY, and Mrs. LINCOLN):

S. Res. 187. A resolution condemning the use of violence against providers of health care services to women; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 188. A resolution congratulating the Los Angeles Lakers for winning the 2009 National Basketball Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 151

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 151, a bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

S. 210

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 210, a bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care-related degrees and to work in child care facilities, and to increase the exclusion for employer-provided dependent care assistance.

S. 337

At the request of Mr. JOHNSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 337, a bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination.

S. 384

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 627

At the request of Mr. KOHL, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 627, a bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 841

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

S. 866

At the request of Mr. REED, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 866, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 878

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 883

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. BURRIS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 937

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 937, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 941

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

S. 1004

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1004, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management and coordination services, and for other purposes.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1099

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1099, a bill to provide comprehensive solutions for the health care system of the United States, and for other purposes.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1135

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1135, a bill to establish a voluntary program in the National Highway Traffic Safety Administration to encourage consumers to trade-in older vehicles for more fuel efficient vehicles, and for other purposes.

S. 1136

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1136, a bill to establish a chronic care improvement demonstration program for Medicaid beneficiaries with severe mental illnesses.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1184

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1184, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 1207

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1207, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System.

S. 1230

At the request of Mr. ISAKSON, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 1249

At the request of Ms. KLOBUCHAR, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1249, a bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule.

S. 1265

At the request of Mr. CORNYN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Arizona (Mr. KYL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. BOND) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety

net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 26

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Mr. CARDIN), the Senator from Indiana (Mr. BAYH) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 26, a concurrent resolution apologizing for the enslavement and racial segregation of African Americans.

S. RES. 153

At the request of Mr. KAUFMAN, his name was added as a cosponsor of S. Res. 153, a resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and Communist eras.

AMENDMENT NO. 1303

At the request of Ms. LANDRIEU, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 1303 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

AMENDMENT NO. 1311

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 1311 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

AMENDMENT NO. 1312

At the request of Mr. SANDERS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 1312 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself and Mr. BROWN):

S. 1278. A bill to establish the Consumers Choice Health Plan, a public health insurance plan that provides an affordable and accountable health insurance option for consumers; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, there is a stark choice looming before Congress. It is the choice between enacting a comprehensive reform bill that truly improves our health care system for the American people or enacting a mediocre reform bill that largely maintains the status quo—which is an ineffective and costly health care system run by the insurance industry. I know that most of my colleagues want the former—a 21st Century health care system that provides meaningful and affordable coverage for all, improves health outcomes, and brings accountability and responsibility back into health care.

I am absolutely convinced that the inclusion of a strong public health insurance plan option is the only way to guarantee that all consumers have affordable, adequate, and accountable options available in the insurance marketplace. It is for this reason that I rise today with my good friend, Senator SHERROD BROWN of Ohio, to introduce the Consumers Health Care Act of 2009—legislation to provide a strong public plan option in the National Health Insurance Exchange.

One of the most contentious, yet critical, pieces of the national health care reform effort is whether or not Americans should have the option to buy their health insurance from a publicly run organization. In other words, in addition to choosing among numerous health plans run by private insurers, should consumers also have the option of choosing an affordable, stable, and transparent public plan when they are deciding what is best for them and their families? I believe consumers should have the option of choosing a public plan.

Opponents of giving Americans a public option regularly use alarmist rhetoric such as ''big government'' and ''socialized medicine.'' And, somehow, protecting the rights of private health insurers to make profits has become more important to some than offering Americans the choice of a plan that seeks to insure everyone, no matter how sick, that is less expensive, and that is responsible to the American people—not to private profit-seeking stockholders.

I'm not sure when the word ''public'' became such a bad word in the eyes of some of my colleagues. Public means acting in the interest of the general public—which is exactly what we should aspire to in comprehensive health reform.

The private health insurance market has significantly contributed to the broken nature of our health care system, with a long history of cutting coverage off or charging too much for too little. A public plan option—repeat, option—is an effective way to bring competition to the insurance market, hold down costs, and encourage innovation and quality improvements. To deny this option is not only shortsighted, but downright harmful.

Everyone knows the sobering statistics that have highlighted the need for comprehensive health reform. More than 45 million Americans are uninsured and another 25 million are underinsured. Since 1909, the average health insurance premium for a family has increased by 119 percent, from $5,791 in 1999 to $12,680 in 2008. Yet, Americans have seen their benefits decrease and have faced substantially larger out-of-pocket expenses. An estimated 62 percent of all personal bankruptcies involve medical expenses and 78 percent of the individuals who cited medical expenses in their bankruptcy claims had health insurance. Health care costs already consume 17 percent of the United State's gross domestic product, which everyone can agree is unsustainable.

However, representing the great state of West Virginia has shown me that the need for health reform is far more essential and personal than frightening statistics could ever show. I have listened at roundtable discussions where West Virginians described how the current health care system has failed them. One woman was really struggling to care for both herself and her son. She was uninsured because her son, who had a serious brain disorder, needed 24 hour a day, seven day a week, assistance. Another family wrote to me because their son, who was born with serious congenital heart defects, had reached the $1 million limit on his mother's insurance policy within the first nine months of his life. They were unsure of how to obtain lifesaving treatment for their son, now that the insurance company would no longer pay for his care. I have heard from countless other West Virginians who have been unable to find affordable health care, or have figured out too late that the health insurance they had was inadequate for what they needed.

As Congress works to achieve the transformative reform necessary to create a sustainable health care system, a vital component of this reform is the inclusion of a strong public plan option like the Consumer Choice Health Plan included in the Consumers Health Care Act. A public plan will help establish a new insurance framework, one that compels insurers to provide Americans with the best value for their health care at the best price, rather than the current insurance framework, which is focused on avoiding risk and increasing profits. The Consumer Choice Health Plan will be available for all individuals and small businesses, regardless of health status, and will not be concerned with paying a CEO salary or broker commissions.

The Consumers Health Care Act will increase transparency and accountability throughout the health insurance market, as well as give individuals guaranteed access to health care coverage should they be denied or priced out of affordable private insurance coverage. Currently, insurers are allowed to operate in a black box, with little oversight of their coverage and payment decisions. Individuals with pre-existing conditions are routinely denied access to affordable care. For years, United Health was able to underpay providers and overcharge patients for out-of-network services. The Consumers Health Care Act will address this and other issues by bringing greater transparency to the private health insurance market.

Consumer Choice Health Plans will serve as a vital safety-net of coverage for individuals and families that have been unable to obtain affordable and comprehensive health care coverage through the private market. A private insurance company's desire to earn greater profits will always trump over the need to make health care coverage affordable and accessible to all Americans, and greater insurance regulation is not enough. The Consumers Health Care Act is necessary in order to achieve the sustainable change that the health care system in this country needs.

I trust the good sense of the American public to choose the health coverage they want, and they deserve the choice of a public plan with lower costs and the guarantee of always being there when they need it. The American people trust us to get this right and deliver the best coverage options that will keep their families healthy and safe. The days of packaging half-baked legislation into a bill and calling it transformative reform when it is not have to end now, or the shame is on all of us:

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. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consumers Health Care Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Americans need health care coverage that is always affordable.

(2) Americans need health care coverage that is always adequate.

(3) Americans need health care coverage that is always accountable.

(4) A public health insurance plan option that can compete with private insurance plans is the only way to guarantee that all consumers have affordable, adequate, and accountable options available in the insurance marketplace.

SEC. 3. OFFICE OF HEALTH PLAN MANAGEMENT.

(a) ESTABLISHMENT.—Not later than July 1, 2010, there shall be established within the Department of Health and Human Services an Office of Health Plan Management (referred to in this Act as the ''Office''). The Office shall be headed by a Director (referred to in this Act as the ''Director'') who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) COMPENSATION.—The Director shall be paid at the annual rate of pay for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(c) LIMITATION.—Neither the Director nor the Office shall participate in the administration of the National Health Insurance Exchange (as defined in section 7) or the promulgation or administration of any regulation regarding the health insurance industry.

(d) PERSONNEL AND OPERATIONS AUTHORITY.—The Director shall have the same general authorities with respect to personnel and operations of the Office as the heads of other agencies and departments of the Federal Government have with respect to such agencies and departments.

SEC. 4. CONSUMER CHOICE HEALTH PLAN.

(a) IN GENERAL.—The Office shall establish and administer the Consumer Choice Health Plan (referred to in this Act as the ''Plan'') to provide for health insurance coverage that is made available to all eligible individuals (as described in subsection (d)(1)) in the United States and its territories.

(b) REGULATORY COMPLIANCE.—The Plan shall comply with—

(1) all regulations and requirements that are applicable with respect to other health insurance plans that are offered through the National Health Insurance Exchange; and

(2) any additional regulations and requirements, as determined by the Director.

(c) BENEFITS.—

(1) IN GENERAL.—The Plan shall offer health insurance coverage at different benefit levels, provided that such benefits are commensurate with the required benefit levels to be provided by a health insurance plan under the National Health Insurance Exchange.

(2) MINIMUM BENEFITS FOR CHILDREN.—

(A) IN GENERAL.—The minimum benefit level available under the Plan for children shall include at least the services described in the most recently published version of the ''Maternal and Child Health Plan Benefit Model'' developed by the National Business Group on Health.

(B) AMENDMENT OF BENEFIT LEVEL.—The Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, may amend the benefits described in subparagraph (A) based on the most recent peer-reviewed and evidence-based data.

(d) ELIGIBILITY AND ENROLLMENT.—

(1) ELIGIBILITY.—An individual who is eligible to purchase coverage from a health insurance plan through the National Health Insurance Exchange shall be eligible to enroll in the Plan.

(2) ENROLLMENT PROCESS.—An individual may enroll in the Plan only in such manner and form as may be prescribed by applicable regulations, and only during an enrollment period as prescribed by the Director.

(3) EMPLOYER ENROLLMENT.—An employer shall be eligible to purchase health insurance coverage for their employees and the employees' dependents to the extent provided for all health benefits plans under the National Health Insurance Exchange.

(4) SATISFACTION OF INDIVIDUAL MANDATE REQUIREMENT.—An individual's enrollment with the Plan shall be treated as satisfying any requirement under Federal law for such individual to demonstrate enrollment in health insurance or benefits coverage.

(e) PROVIDERS.—

(1) NETWORK REQUIREMENT.—

(A) MEDICARE.—A participating provider who is voluntarily providing health care services under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall be required to provide services to any individual enrolled in the Plan.

(B) MEDICAID AND CHIP.—A provider of health care services under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or the CHIP program established under title XXI of such Act (42 U.S.C. 1397aa et seq.), shall be required to provide services to any individual enrolled in the Plan.

(2) EXCEPTION.—Paragraph (1) shall not be construed as requiring a provider to accept new patients due to bona fide capacity limitations of the provider.

(3) OPT-OUT PROVISION.—

(A) MEDICARE.—A participating provider as described under paragraph (1)(A) shall be required to provide services to any individual enrolled in the Plan for the 3-year period following the establishment of the Plan. Upon the expiration of the 3-year period, a participating provider in the Plan may elect to become a non-participating provider without affecting their status as a participating provider under the Medicare program.

(B) MEDICAID AND CHIP.—A provider as described under paragraph (1)(B) shall be required to provide services to any individual enrolled in the Plan for the 3-year period following the establishment of the Plan. Upon the expiration of the 3-year period, a provider in the Plan may elect to cease provision of services under the Plan without affecting their status as a provider under the Medicaid program or the CHIP program.

(4) PAYMENT RATES.—

(A) INITIAL PAYMENT RATES.—

(i) IN GENERAL.—During the 2-year period following the establishment of the Plan, providers shall be reimbursed at such payment rates as are applicable under the Medicare program.

(ii) ADJUSTMENT.—The Director may reimburse providers at rates lower or higher than applicable under the Medicare program if the Director determines that the adjusted rates are appropriate and ensure that enrollees in the Plan are provided with adequate access to health care services.

(B) SUBSEQUENT PAYMENT RATES.—Subject to subparagraph (C), upon the expiration of the 2-year period following the establishment of the Plan, the Director shall develop payment rates for reimbursement of providers in order to maintain an adequate provider network necessary to assure that enrollees in the Plan have adequate access to health care. In determining such payment rates, the Director shall consider—

(i) competitive provider payment rates in both the public and private sectors;

(ii) best practices among providers;

(iii) integrated models of care delivery (including medical home and chronic care coordination models);

(iv) geographic variation in health care costs;

(v) evidence-based practices;

(vi) quality improvement;

(vii) use of health information technology; and

(viii) any additional measures, as determined by the Director.

(C) PAYMENT RATE CONSULTATION.—The Director shall determine payment rates under subparagraph (B) in consultation with providers participating under the Plan, the Director of the Office of Personnel Management, the Medicare Payment Advisory Commission, and the Medicaid and CHIP Payment and Access Commission.

(5) ADOPTION OF MEDICARE REFORMS.—The Plan may adopt Medicare system delivery reforms that provide patients with a coordinated system of care and make changes to the provider payment structure.

(f) SUBSIDIES.—The Plan shall be eligible to accept subsidies, including subsidies for the enrollment of individuals under the Plan, in the same manner and to the same extent as other health insurance plans offered through the National Health Insurance Exchange.

(g) FINANCING.—

(1) TRANSITIONAL FUNDING.—

(A) IN GENERAL.—In order to provide for adequate funding of the Plan in advance of receipt of payments as described in paragraph (2), beginning July 1, 2010, there are transferred to the Plan from the general fund of the Treasury such amounts as may be necessary for operation of the Plan until the end of the 3-year period following the establishment of the Plan.

(B) RETURN OF FUNDS.—Upon the expiration of the 3-year period following the establishment of the Plan, the Director shall enter into a repayment schedule with the Secretary of the Treasury to provide for repayment of funds provided under subparagraph (A). Any expenditures made by the Plan pursuant to a repayment schedule established under this subparagraph shall not constitute administrative expenses as described in paragraph (2)(B).

(2) SELF-FINANCING.—

(A) IN GENERAL.—The Plan shall be financially self-sustaining insofar as funds used for operation of the Plan (including benefits, administration, and marketing) shall be derived from—

(i) insurance premium payments and subsidies for individuals enrolled in the Plan; and

(ii) payments made to the Plan by employers that do not offer health insurance coverage to their employees.

(B) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided under subparagraph (A) may be used for the annual administrative costs of the Plan.

(3) CONTINGENCY RESERVE.—

(A) IN GENERAL.—The Director shall establish and fund a contingency reserve for the Plan in a form similar to the contingency reserve provided for health benefits plans under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

(B) REVENUE.—Any revenue generated through the contingency reserve established in subparagraph (A) shall be transferred to the Plan for the purpose of reducing enrollee premiums, reducing enrollee cost-sharing, increasing enrollee benefits, or any combination thereof.

(4) GAO FINANCIAL AUDIT AND REPORT.—Beginning not later than October 1, 2011, the Comptroller General shall conduct an annual audit of the financial statements and records of the Plan, in accordance with generally accepted government auditing standards, and submit an annual report on such audit to the Congress.

(5) SUPERMAJORITY REQUIREMENT FOR SUPPLEMENTAL FUNDING.—Upon certification by the Comptroller General that the financial audit described in paragraph (4) indicates that the Plan is insolvent, supplemental funding may be appropriated for the Plan if such measure receives not less than a three-fifths vote of approval of the total number of Members of the House of Representatives and the Senate.

(h) TRANSPARENCY.—

(1) IN GENERAL.—Beginning with the first year of operation of the Plan through the National Health Insurance Exchange, the Director shall provide standards and undertake activities for promoting transparency in costs, benefits, and other factors for health insurance coverage provided under the Plan.

(2) STANDARD DEFINITIONS OF INSURANCE AND MEDICAL TERMS.—

(A) IN GENERAL.—The Director shall provide for the development of standards for the definitions of terms used in health insurance coverage under the Plan, including insurance-related terms (including the insurance-related terms described in subparagraph (B)) and medical terms (including the medical terms described in subparagraph (C)).

(B) INSURANCE-RELATED TERMS.—The insurance-related terms described in this subparagraph are premium, deductible, co-insurance, co-payment, out-of-pocket limit, preferred provider, non-preferred provider, out-of-network co-payments, UCR (usual, customary and reasonable) fees, excluded services, grievance and appeals, and such other terms as the Director determines are important to define so that consumers may compare health insurance coverage and understand the terms of their coverage.

(C) MEDICAL TERMS.—The medical terms described in this subparagraph are hospitalization, hospital outpatient care, emergency room care, physician services, prescription drug coverage, durable medical equipment, home health care, skilled nursing care, rehabilitation services, hospice services, emergency medical transportation, and such other terms as the Director determines are important to define so that consumers may compare the medical benefits offered by health insurance plans and understand the extent of those medical benefits (or exceptions to those benefits).

(3) DISCLOSURE.—

(A) IN GENERAL.—In carrying out this subsection, the Director shall disclose to Plan enrollees, potential enrollees, in-network health care providers, and others (through a publically available Internet website and other appropriate means) relevant information regarding each policy of health insurance coverage marketed or in force (in such standardized manner as determined by the Director), including—

(i) full policy contract language; and

(ii) a summary of the information described in paragraph (4).

(B) PERSONALIZED STATEMENT.—The Director shall disclose to enrollees (in such standardized manner as determined by the Director) an annual personalized statement that summarizes use of health care services and payment of claims with respect to an enrollee (and covered dependents) under health insurance coverage provided through the Plan in the preceding year.

(4) REQUIRED INFORMATION.—The information described in this paragraph includes, but is not limited to, the following:

(A) Data on the price of each new policy of health insurance coverage and renewal rating practices.

(B) Claims payment policies and practices, including how many and how quickly claims were paid.

(C) Provider fee schedules and usual, customary, and reasonable fees (for both in-network and out-of-network providers).

(D) Provider participation and provider directories.

(E) Loss ratios, including detailed information about amount and type of non-claims expenses.

(F) Covered benefits, cost-sharing, and amount of payment provided toward each type of service identified as a covered benefit, including preventive care services recommended by the United States Preventive Services Task Force.

(G) Civil or criminal actions successfully concluded against the Plan by any governmental entity.

(H) Benefit exclusions and limits.

(5) DEVELOPMENT OF PATIENT CLAIMS SCENARIOS.—

(A) IN GENERAL.—In order to improve the ability of individuals and employers to compare the coverage and relative value provided under the Plan, the Director shall develop and make publically available a series of patient claims scenarios under which benefits (including out-of-pocket costs) under the Plan are simulated for certain common or expensive conditions or courses of treatment (including maternity care, breast cancer, heart disease, diabetes management, and well-child visits).

(B) CONSULTATION.—The Director shall develop the patient claims scenarios described in subparagraph (A)—

(i) in consultation with the Secretary of Health and Human Services, the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, health professional societies, patient advocates, and other entities as deemed necessary by the Director; and

(ii) based upon recognized clinical practice guidelines.

(6) MANNER OF DISCLOSURE.—The Director shall disclose the information under this subsection—

(A) with all marketing materials;

(B) on the website for the Plan; and

(C) at other times upon request.

SEC. 5. ESTABLISHMENT OF AMERICA'S HEALTH INSURANCE TRUST.

(a) ESTABLISHMENT.—As of the date of enactment of this Act, there is authorized to be established a non-profit corporation that shall be known as the ''America's Health Insurance Trust'' (referred to in this Act as the ''Trust''), which is neither an agency nor establishment of the United States Government.

(b) LOCATION; SERVICE OF PROCESS.—The Trust shall maintain its principal office within the District of Columbia and have a designated agent in the District of Columbia to receive service of process for the Trust. Notice to or service on the agent shall be deemed as notice to or service on the corporation.

(c) APPLICATION OF PROVISIONS.—The Trust shall be subject to the provisions of this section and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act.

(d) TAX EXEMPT STATUS.—The Trust shall be treated as a nonprofit organization described under section 170(c)(2)(B) and section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(e) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of the Trust (referred to in this Act as the ''Board'') shall consist of 19 voting members appointed by the Comptroller General.

(2) TERMS.—

(A) IN GENERAL.—Subject to subparagraph (C), each member of the Board shall serve for a term of 6 years.

(B) LIMITATION.—No individual shall be appointed to the Board for more than 2 consecutive terms.

(C) INITIAL MEMBERS.—The initial members of the Board shall be appointed by the Comptroller General not later than October 1, 2010, and shall serve terms as follows:

(i) 8 members shall be appointed for a term of 5 years.

(ii) 8 members shall be appointed for a term of 3 years.

(iii) 3 members shall be appointed for a term of 1 year.

(D) EXPIRATION OF TERM.—Any member of the Board whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(E) VACANCIES.—

(i) IN GENERAL.—Any member appointed to fill a vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

(ii) VACANCIES NOT TO AFFECT POWER OF BOARD.—A vacancy on the Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(3) CHAIRPERSON AND VICE-CHAIRPERSON.—

(A) IN GENERAL.—The Comptroller General shall designate a Chairperson and Vice-Chairperson of the Board from among the members of the Board.

(B) TERM.—The members designated as Chairperson and Vice-Chairperson shall serve for a period of 3 years.

(4) CONFLICTS OF INTEREST.—An individual may not serve on the Board if such individual (or an immediate family member of such individual) is employed by or has a financial interest in—

(A) an organization that provides a health insurance plan;

(B) a pharmaceutical manufacturer; or

(C) any subsidiary entities of an organization described in subparagraphs (A) or (B).

(5) COMPOSITION OF THE BOARD.—

(A) POLITICAL PARTIES.—Not more than 10 members of the Board may be affiliated with the same political party.

(B) DIVERSITY.—In appointing members under this paragraph, the Comptroller General shall ensure that such members provide appropriately diverse representation with respect to race, ethnicity, age, gender, and geography.

(C) CONSUMER REPRESENTATION.—10 members of the Board shall be independent and non-conflicted individuals representing the interests of health care consumers. Each member selected under this subparagraph shall represent 1 of the 10 Department of Health and Human Services regions in the United States.

(D) REMAINING REPRESENTATION.—

(i) IN GENERAL.—9 members of the Board shall be selected based on relevant experience, including expertise in—

(I) community affairs;

(II) Federal, State, and local government;

(III) health professions and administration;

(IV) business, finance, and accounting;

(V) legal affairs;

(VI) insurance;

(VII) trade unions;

(VIII) social services; and

(IX) any additional areas as determined by the Comptroller General.

(ii) INCOME FROM HEALTH CARE INDUSTRY.—Not more than 4 of the members selected under this subparagraph shall earn more than 10 percent of their income from the health care industry.

(6) MEETINGS AND HEARINGS.—The Board shall meet and hold hearings at the call of the Chairperson or a majority of its members. Meetings of the Board on matters not related to personnel shall be open to the public and advertised through public notice at least 7 days prior to the meeting.

(7) QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the duties of the Trust, but a lesser number of members may meet and hold hearings.

(8) EXECUTIVE DIRECTOR AND STAFF; PERFORMANCE OF DUTIES.—The Board may—

(A) employ and fix the compensation of an Executive Director and such other personnel as may be necessary to carry out the duties of the Trust;

(B) seek such assistance and support as may be required in the performance of the duties of the Trust from appropriate departments and agencies of the Federal Government;

(C) enter into contracts or other arrangements and make such payments as may be necessary for performance of the duties of the Trust;

(D) provide travel, subsistence, and per diem compensation for individuals performing the duties of the Trust, including members of the Advisory Council (as described in subsection (f)); and

(E) prescribe such rules, regulations, and bylaws as the Board determines necessary with respect to the internal organization and operation of the Trust.

(9) LOBBYING COOLING-OFF PERIOD FOR MEMBERS OF THE BOARD.—Section 207(c) of title 18, United States Code, is amended by inserting at the end the following:

''(3) MEMBERS OF THE BOARD OF DIRECTORS OF THE AMERICA'S HEALTH INSURANCE TRUST.—Paragraph (1) shall apply to a member of the Board of Directors of the America's Health Insurance Trust who was appointed to the Board as of the day before the date of enactment of the Consumers Health Care Act of 2009.''.

(f) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—The Board shall establish an advisory council that shall be comprised of the insurance commissioners of each State (including the District of Columbia) to advise the Board on the development and impact of measures to improve the transparency and accountability of health insurance plans provided through the National Health Insurance Exchange.

(2) MEETINGS.—The advisory council shall meet not less than twice a year and at the request of the Board.

(g) FINANCIAL OVERSIGHT.—

(1) CONTRACT FOR AUDITS.—The Trust shall provide for financial audits of the Trust on an annual basis by a private entity with expertise in conducting financial audits.

(2) REVIEW AND REPORT ON AUDITS.—The Comptroller General shall—

(A) review and evaluate the results of the audits conducted pursuant to paragraph (1); and

(B) submit a report to Congress containing the results and review of such audits, including an analysis of the adequacy and use of the funding for the Trust and its activities.

(h) RULES ON GIFTS AND OUTSIDE CONTRIBUTIONS.—

(1) GIFTS.—The Trust (including the Board and any staff acting on behalf of the Trust) shall not accept gifts, bequeaths, or donations of services or property.

(2) PROHIBITION ON OUTSIDE FUNDING OR CONTRIBUTIONS.—The Trust shall not—

(A) establish a corporation other than as provided under this section; or

(B) accept any funds or contributions other than as provided under this section.

(i) AMERICA'S HEALTH INSURANCE TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury a trust fund to be known as the ''America's Health Insurance Trust Fund'' (referred to in this section as the ''Trust Fund''), consisting of such amounts as may be credited to the Trust Fund as provided under this subsection.

(2) TRANSFER.—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury amounts determined by the Secretary to be equivalent to the amounts received into such general fund that are attributable to the fees collected under sections 4375 and 4376 of the Internal Revenue Code of 1986 (relating to fees on health insurance policies and self-insured health plans).

(3) FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(A) GENERAL RULE.—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

''Subchapter B—Insured and Self-Insured Health Plans

''Sec. 4375. Health insurance.

''Sec. 4376. Self-insured health plans.

''Sec. 4377. Definitions and special rules.

''SEC. 4375. HEALTH INSURANCE.

''(a) IMPOSITION OF FEE.—In the case of any specified health insurance policy issued after October 1, 2009, there is hereby imposed a fee equal to—

''(1) for policies issued during fiscal years 2010 through 2013, 50 cents multiplied by the average number of lives covered under the policy; and

''(2) for policies issued after September 30, 2013, $1 multiplied by the average number of lives covered under the policy.

''(b) LIABILITY FOR FEE.—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

''(c) SPECIFIED HEALTH INSURANCE POLICY.—For purposes of this section:

''(1) IN GENERAL.—Except as otherwise provided in this section, the term 'specified health insurance policy' means any accident or health insurance policy (including a policy under a group health plan) issued with respect to individuals residing in the United States.

''(2) EXEMPTION FOR CERTAIN POLICIES.—The term 'specified health insurance policy' does not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

''(3) TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.—

''(A) IN GENERAL.—In the case of any arrangement described in subparagraph (B)—

''(i) such arrangement shall be treated as a specified health insurance policy, and

''(ii) the person referred to in such subparagraph shall be treated as the issuer.

''(B) DESCRIPTION OF ARRANGEMENTS.—An arrangement is described in this subparagraph if under such arrangement fixed payments or premiums are received as consideration for any person's agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

''(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any policy issued in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such policy shall be equal to the sum of such dollar amount for policies issued in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for policies issued in the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

''(e) TERMINATION.—This section shall not apply to policy years ending after September 30, 2019.

''SEC. 4376. SELF-INSURED HEALTH PLANS.

''(a) IMPOSITION OF FEE.—In the case of any applicable self-insured health plan issued after October 1, 2009, there is hereby imposed a fee equal to—

''(1) for plans issued during fiscal years 2010 through 2013, 50 cents multiplied by the average number of lives covered under the plan; and

''(2) for plans issued after September 30, 2013, $1 multiplied by the average number of lives covered under the plans.

''(b) LIABILITY FOR FEE.—

''(1) IN GENERAL.—The fee imposed by subsection (a) shall be paid by the plan sponsor.

''(2) PLAN SPONSOR.—For purposes of paragraph (1) the term 'plan sponsor' means—

''(A) the employer in the case of a plan established or maintained by a single employer,

''(B) the employee organization in the case of a plan established or maintained by an employee organization,

''(C) in the case of—

''(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

''(ii) a multiple employer welfare arrangement, or

''(iii) a voluntary employees' beneficiary association described in section 501(c)(9),

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

''(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

''(c) APPLICABLE SELF-INSURED HEALTH PLAN.—For purposes of this section, the term 'applicable self-insured health plan' means any plan for providing accident or health coverage if—

''(1) any portion of such coverage is provided other than through an insurance policy, and

''(2) such plan is established or maintained—

''(A) by one or more employers for the benefit of their employees or former employees,

''(B) by one or more employee organizations for the benefit of their members or former members,

''(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

''(D) by a voluntary employees' beneficiary association described in section 501(c)(9),

''(E) by any organization described in section 501(c)(6), or

''(F) in the case of a plan not described in the preceding subparagraphs, by a multiple employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

''(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any plan issued in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such plan shall be equal to the sum of such dollar amount for plans issued in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for plans issued in the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

''(e) TERMINATION.—This section shall not apply to plans issued after September 30, 2019.

''SEC. 4377. DEFINITIONS AND SPECIAL RULES.

''(a) DEFINITIONS.—For purposes of this subchapter—

''(1) ACCIDENT AND HEALTH COVERAGE.—The term 'accident and health coverage' means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4375(c)).

''(2) INSURANCE POLICY.—The term 'insurance policy' means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

''(3) UNITED STATES.—The term 'United States' includes any possession of the United States.

''(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

''(1) IN GENERAL.—For purposes of this subchapter—

''(A) the term 'person' includes any governmental entity, and

''(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

''(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4375 or section 4376 on any covered policy or plan under such program.

''(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term 'exempt governmental program' means—

''(A) any insurance program established under title XVIII of the Social Security Act,

''(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

''(C) the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code,

''(D) the Consumer Choice Health Plan established under the Consumers Health Care Act of 2009,

''(E) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

''(i) members of the Armed Forces of the United States, or

''(ii) veterans, and

''(F) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

''(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

''(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States.''.

(B) CLERICAL AMENDMENTS.—

(i) Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

''CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES

''SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

''SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

''Subchapter A—Policies Issued By Foreign Insurers''.

(ii) The table of chapters for subtitle D of such Code is amended by striking the item relating to chapter 34 and inserting the following new item:

''CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES''.

SEC. 6. DUTIES OF AMERICA'S HEALTH INSURANCE TRUST.

(a) INSURANCE PLAN RANKINGS AND WEBSITE.—

(1) WEB-BASED MATERIALS.—The Trust shall establish and maintain a website that provides informational materials regarding the health insurance plans provided through the National Health Insurance Exchange, including appropriate links for all available State insurance commissioner websites.

(2) PLAN RANKINGS.—The Trust shall develop and publish annual rankings of the health insurance plans provided through the National Health Insurance Exchange, based on the assignment of a letter grade between ''grade A'' (highest) and ''grade F'' (lowest). The Trust shall provide for a comparative evaluation of each plan based upon—

(A) administrative expenditures;

(B) affordability of coverage;

(C) adequacy of coverage;

(D) timeliness and adequacy of consumer claims processing;

(E) available consumer complaint systems;

(F) grievance and appeals processes;

(G) transparency;

(H) consumer satisfaction; and

(I) any additional measures as determined by the Board.

(3) INFORMATION AVAILABLE ON WEBSITE BY ZIP CODE.—The annual rankings of the health insurance plans (as described in paragraph (2)) shall be available on the website for the Trust (as described in paragraph (1)), and the website for the National Health Insurance Exchange, in a manner that is searchable and sortable by zip code.

(4) CONSUMER FEEDBACK.—

(A) CONSUMER COMPLAINTS.—The Trust shall develop written and web-based methods for individuals to provide recommendations and complaints regarding the health insurance plans provided through the National Health Insurance Exchange.

(B) CONSUMER SURVEYS.—The Trust shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual's health insurance plan and the individual's satisfaction with such services and supports.

(b) DATA SHARING.—

(1) IN GENERAL.—An organization that provides a health insurance plan through the National Health Insurance Exchange shall provide the Trust with all information and data that is necessary for improving transparency, monitoring, and oversight of such plans.

(2) ANNUAL DISCLOSURE.—Beginning with the first full year of operation of the National Health Insurance Exchange, an organization that provides a health insurance plan through the National Health Insurance Exchange shall annually provide the Trust with appropriate information regarding the following:

(A) Name of the plan.

(B) Levels of available plan benefits.

(C) Description of plan benefits.

(D) Number of enrollees under the plan.

(E) Demographic profile of enrollees under the plan.

(F) Number of claims paid to enrollees.

(G) Number of enrollees that terminated their coverage under the plan.

(H) Total operating cost for the plan (including administrative costs).

(I) Patterns of utilization of the plan's services.

(J) Availability, accessibility, and acceptability of the plan's services.

(K) Such information as the Trust may require demonstrating that the organization has a fiscally sound operation.

(L) Any additional information as determined by the Trust.

(3) FORM AND MANNER OF INFORMATION.—Information to be provided to the Trust under paragraphs (1) and (2) shall be provided—

(A) in such form and manner as specified by the Trust; and

(B) within 30 days of the date of receipt of the request for such information, or within such extended period as the Trust deems appropriate.

(4) INFORMATION FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(A) IN GENERAL.—Any information regarding the health insurance plans that are offered through the National Health Insurance Exchange that has been provided to the Secretary of Health and Human Services shall also be made available (as deemed appropriate by the Secretary) to the Trust for the purpose of improving transparency, monitoring, and oversight of such plans. Such information may include, but is not limited to, the following:

(i) Underwriting guidelines to ensure compliance with applicable Federal health insurance requirements.

(ii) Rating practices to ensure compliance with applicable Federal health insurance requirements.

(iii) Enrollment and disenrollment data, including information the Secretary may need to detect patterns of discrimination against individuals based on health status or other characteristics, to ensure compliance with applicable Federal health insurance requirements (including non-discrimination in group coverage, guaranteed issue, and guaranteed renewability requirements applicable in all markets).

(iv) Post-claims underwriting and rescission practices to ensure compliance with applicable Federal health insurance requirements relating to guaranteed renewability.

(v) Marketing materials and agent guidelines to ensure compliance with applicable Federal health insurance requirements.

(vi) Data on the imposition of pre-existing condition exclusion periods and claims subjected to such exclusion periods.

(vii) Information on issuance of certificates of creditable coverage.

(viii) Information on cost-sharing and payments with respect to any out-of-network coverage.

(ix) The application to issuers of penalties for violation of applicable Federal health insurance requirements (including failure to produce requested information).

(x) Such other information as the Trust may determine to be necessary to verify compliance with the requirements of this Act.

(B) REQUIRED DISCLOSURE.—The Secretary of Health and Human Services shall provide the Trust with all consumer claims data or information that has been provided to the Secretary by any health insurance plan that is offered through the National Health Insurance Exchange.

(C) PERIOD FOR PROVIDING INFORMATION.—Information to be provided to the Trust under this paragraph shall be provided by the Secretary within 30 days of the date of receipt of the request for such information, or within such extended period as the Secretary and the Trust mutually deem appropriate.

(5) NON-DISCLOSURE OF HEALTH INSURANCE DATA.—The Trust shall prevent disclosure of any data or information provided under this paragraph that the Trust determines is proprietary or qualifies as a trade secret subject to withholding from public dissemination. Any data or information provided under this paragraph shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

SEC. 7. DEFINITION OF NATIONAL HEALTH INSURANCE EXCHANGE.

In this Act, the term ''National Health Insurance Exchange'' means a mechanism established or recognized under Federal law for coordinating the offering of health insurance coverage to individuals in the United States through the establishment of standards for benefits, cost-sharing, and premiums for such health insurance coverage.

By Mr. CORKER (for himself, Mr. WARNER, and Mr. BENNETT):

S. 1280. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORKER. Mr. President, I rise to speak, briefly, about a bill Senator WARNER from Virginia and I are introducing today. The title of the bill is the TARP Recipient Ownership Trust Act of 2009.

This bill intends to deal with the issue that our government finds itself in a position of large ownership in companies—something I think none of us ever imagined would be the case some time ago.

This piece of legislation only deals with TARP recipients. But what it does is solve the unease in the problem that many of us have in the Senate and in the Congress with the fact that we have such large government ownerships in companies.

What this bill would do would be to set up a trust for all TARP company ownership to be put in when stakes are larger than 20 percent of the company. What it would do is give the administration the ability to appoint three trustees to have a fiduciary obligation to the taxpayers of this country. It would be my hope that these trustees would be people such as Warren Buffett or Jack Welch or people similar to them, whom we—all of us in our country—respect and consider to certainly be knowledgeable market participants.

These trustees will be paid no money. They would do this as a duty to our country. While their objective would be to look at these companies with a fiduciary responsibility to the taxpayers, they also would be given the direction to unload these ownerships by December 24, 2011. I think this would go a long way toward giving all of us more comfort that there was not a political agenda with any of these companies, that these companies were being dealt with in a way that is fair and appropriate to the taxpayers. I think this is something that, while it is not perfect, would do what is necessary to make us all feel a lot more comfortable about where we are.

No. 1, we would have three neutral, well-respected businesspeople looking after our taxpayers' interests. Hopefully, that would shield as much as possible any kind of political involvement in those companies. Secondly, obviously, they would be given the directive to unload this ownership by December 24, 2011, as I have mentioned. They can come back at that time. If they feel, for some reason, this is not in the taxpayers' interest, they can come back to us at that time and seek additional time, should they think it is in our interest as taxpayers to extend that period of time.

This is a bipartisan piece of legislation. This is not done with any kind of ax to grind. This legislation is being offered, truly, just to solve this rub we all find ourselves in, that the American citizens find themselves in, where we have large ownership stakes.

Specifically, today, because of the ownership stakes that exist, the three companies that would be affected would be AIG, Citigroup, and, of course, the automobile company, General Motors. There could be additional companies that, through conversions to common equity, might be affected by this.

I think this is a very commonsense piece of legislation that I hope will have broad bipartisan support.

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. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''TARP Recipient Ownership Trust Act of 2009''.

SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.

(a) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(c) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its

shareholders under the securities laws and all applications of State law.

(d) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term ''designated TARP recipient'' means any entity that has received, or will receive, financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Federal Government holds or controls, or will hold or control at a future date, not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

By Mr. BROWNBACK (for himself, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. RISCH, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 1282. A bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies; to the Committee on Homeland Security and Governmental Affairs.

Mr. BROWNBACK. Mr. President, I want to follow up on what my colleague from North Dakota said regarding the financial regulatory issue. This is a huge problem.

In my office, I have a debt clock running. I put it there purposely so people can see what it is, and it is running at $11.5 trillion. At this point in time, it has a dizzying amount of numbers that are running on it. Usually my constituents come in and say: Good, I wanted to get out of the waiting room. That clock is driving me crazy, the numbers are going so fast. It is so huge, the numbers and the rate we are going.

What troubles me as well, as a member of the baby boomer generation, is that I look at this and I feel as though we are following on the heels of the ''greatest generation''—the World War II generation, with all the sacrifices and the things they did to make this country what it is. My predecessor in the seat I am in, Bob Dole, I think epitomizes the ''greatest generation''—the World War II generation—that sacrificed so much so the rest of us could live and do so well, and I am deeply appreciative of that. But I look at my generation, sometimes called the ''me generation.'' I don't know that that is particularly an applauding sort of title, saying it is more focused that way, but I think we need to, ourselves, step up a lot more for the country, for the people in this Nation, and deal with the problems we have.

One of the biggest ones, as far as the legacy we leave, is the mortgage that is growing on this country, this $11.5 trillion I started off talking about. When I first started in Congress in 1994, it was roughly 50 percent mandatory spending and 50 percent discretionary spending. This year, we are looking at 70 percent mandatory spending—between 60 and 70 percent mandatory spending, depending on what ends up in the final package—and 30 to 40 percent discretionary spending. And of that discretionary, half of that is military. So we have this huge growth in entitlement programs and spending programs that are on autopilot and that are setting that clock to going faster and faster, at $11.5 trillion and up.

We are looking at a $1.8 trillion deficit this year alone. This is unsustainable and it is irresponsible. And it is irresponsible of the baby boomer generation, which has inherited and been given so much, not to step up and to start to deal with this. I feel very strongly about this, that it is something we need to start dealing with as a generation. I am not talking about from a party perspective, or even from a legislative perspective, but I am talking about it from a generational perspective. This is the sort of thing we need to start dealing with for our children's future and our grandchildren's future, so that when future generations come up and they look back and see the ''greatest generation'' of World War II, they don't then look at the baby boomer generation and say: Well, that is the generation that used a lot of it up. Rather, they say: No, that was the generation that used a lot, but then got it together and started to address the problems of fiscal irresponsibility—the fiscal irresponsibility that is taking place in this country and in this government today.

We have program spending that is out of control. Everybody is against waste, fraud, and abuse, but I have not found that line in the budget yet which allows us to X it out. What I am talking about here—and I will introduce at the end of my speech—is a bill that actually does start to get at that, and it does it via a mechanism that is a proven mechanism we have used before in this body which actually reduced government spending. It is called the Commission on Accountability and Review of Federal Agencies, CARFA. We have 20 original cosponsors, and it is a very simple concept that we have used before.

It is based on the BRAC Commission—the Base Realignment and Closure Commission—only it applies to the rest of government, not just military bases. You create a commission, and the commission says 300 bases should be closed. They send that to the administration to check off on that, and then it sends it to the Congress, requiring an up-or-down vote within a limited timeframe, no amendments and a set amount of time to debate. Yes or no, deal or no deal: Are we going to keep the bases or close the bases, which way is it?

That is the only mechanism I have ever seen us come up with in this body to actually cut Federal spending and to do the things we talk about all the time but in the trading nature of the legislative body never gets done. This one has actually done it, the BRAC Commission, on military bases, which is a substantial but certainly not all of our budget. So I am saying, let's take that mechanism and apply it to the rest of the budget, mandatory and discretionary spending, both pockets of this.

I am fully open to suggestions and ideas for amendment on this bill, but I would break the Federal Government into four different categories, to where every fourth year there is a CARFA commission which reviews one-fourth of the budget, and then that recommendation is sent to the Congress to either eliminate these pieces or to keep them.

I have a scorecard up here. It turns out that the OMB does a regular scoring of the effectiveness of Federal Government programs and then they assign a percentage out of 100 to each. I put the grade equivalent on it, and you can see the programs that were reviewed here: State Department has the highest score that I have up here, of C+ for effectiveness, at which the OMB scored it. The Education Department—and I don't know what that says here—has scored below 50 percent and gets an F—the Education Department—on its scorecard. You can look through and these are the programs that are reviewed: 51 for the State Department; 93 for the Education Department.

So I am saying you would have this CARFA commission go through to do a similar type of review for effectiveness. Those programs that would fail would be put in an overall bill which would say: Okay, Congress, keep this entire package or eliminate this entire package.

If you eliminate them, the same year you can come back and reauthorize that bill and reappropriate the program if you believe it is effective. But this gives you an automatic culling process. It is a culling process that takes place on programs that have been put in the budget year after year and have somehow been sustained or have gotten supporters around them. Most programs have a number of different supporters around them, so they keep going on and on. Even though they are not particularly effective, the supporters like them, so they keep getting in the budget, even when we do an objective review of them and find out these are failed programs by our own standards.

This is something we need to do. It is something I would hope that the baby boomer generation could stand up and

start to say it is time for us to take fiscal responsibility for the situation that is being created and that is unsustainable in this country. We are already starting to see interest rates move up. That is likely to continue. We are seeing people beside themselves when looking at the level of Federal spending, and the waste in it, and saying: What is going on? Can't you guys get ahold of it?

Here is a way to actually get ahold of it and deal with it and be able to say to generations in future years that, yes, we stood up and took ownership and we dealt with the problem.

There was an article in the Wall Street Journal a week ago where a gentleman was saying that the unfunded obligations of the Federal Government today—these are things such as the entitlement programs, whether it is Medicare, Social Security, veterans' benefits, and pension guarantees that we have—are getting close to $100 trillion. Those are unfunded obligations existing on the part of the Federal Government today. That number seems high to me, but I know if you look at Medicare and a couple of other ones, we are looking at nearly $60 trillion in that category. To give some perspective, the total economy is $14 trillion, or thereabouts.

This is irresponsible to the highest degree, and it is irresponsible to future generations, and it is time to put a mechanism in place for us to deal with it. I urge my colleagues to join us in cosponsoring this bill. I am submitting it now to the desk, with 20 cosponsors. This is an idea whose time has come.

By Ms. SNOWE (for herself and Mrs. BOXER):

S. 1284. A bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to join with my colleague, Senator BOXER, to introduce the One Level of Safety Act. We have all become familiar with the events surrounding the terrible tragedy near Buffalo, New York—an accident that the National Transportation Safety Board categorized as the worst such incident since late 2001—that cost fifty lives, and shattered countless others. In the wake of the crash of Flight 3407, we have identified failures on a multiplicity of levels. For an agency that has consistently cited its commitment to ''one level of safety'' for all carriers as far back as 1995, this accident showcases that when it comes to regional carriers, the Federal Aviation Administration has done a poor job of enforcing that philosophy.

During its preliminary investigation of Flight 3407, the National Transportation Safety Board pointed out a number of issues specific to this accident that could be directly attributable to fatigue, with many pilots traveling all night over great distances just to reach their base of operations. For example, almost a quarter of Colgan Air pilots who operate out of Newark, New Jersey travel over one thousand miles simply to reach their designated duty station. At the same time, as we've witnessed with a number of regional carriers, pilots are often paid meager salaries—the first officer in Flight 3407 made barely twenty thousand dollars annually.

With such low pay, it is difficult for these pilots to provide for themselves and their families, much less afford a restful place to spend an evening; at a hotel, or an apartment in close proximity to their base of operations—as a result, they doze in airport lounges—technically against most airline regulations—and subsequently are getting into the cockpit fatigued, with insufficient rest and, potentially, reduced situational awareness. With little oversight concerning the amount of rest these pilots receive, we face the terrible potential for another incident in the near future.

I was greatly encouraged by the efforts that the new Federal Aviation Administrator Babbitt undertook on Monday; his announcement to initiate rulemakings on fatigue management, the relationship between major and regional carriers, and training discrepancies, were all positive, proactive steps to help remedy a situation that for too long has gone ignored, and I commend his willingness to take the reins so early in his tenure. Unfortunately, as a recent series of hearings at the Senate Commerce Committee has shown us, rulemakings are typically long, drawn-out processes that in some cases are never completed. Simply put, this is insufficient.

In fact, a National Transportation Safety Board recommendation concerning pilot fatigue—clearly an underlying cause of the Flight 3407 crash—has been outstanding for nearly 2 decades! This recommendation was no small suggestion; it has been on the NTSB's highest profile publication, their Most Wanted List, for nineteen years! Given that four of the last six fatal accidents involving commercial carriers included fatigue as a contributing cause, I am stunned that this issue has not been addressed. But only one effort to tackle this issue has been made in the past 2 decades, and after encountering some resistance, that proposed rulemaking was shelved in 1995, and no second attempt was forthcoming. So, while the Federal Aviation Administration's comments yesterday were laudable, there are no guarantees when it comes to rulemakings. I believe it is incumbent on Congress to act and act now.

That is why Senator BOXER and I joined together to develop legislation that we believe will close many of the loopholes that jeopardize safety, those same loopholes spotlighted by the findings of the National Transportation Safety Board, the Department of Transportation Inspector General's office, and the victims' families of Flight 3407. Requiring the Federal Aviation Administration to complete a number of long-overdue rulemakings on issues as wide-ranging as fatigue management, minimum training standards for all carriers, and remedial training for deficient pilots is the first step. Ensuring the Federal Aviation Administration will perform adequate, unannounced inspections to guarantee these new rules are enforced, and requiring more rigorous inspections of flight schools like the Gulfstream Academy—whose parent company was recently assessed a civil penalty of $1.3 million for safety violations, and where many regional pilots receive their training—will go a long way towards closing the loopholes that still exist in our aviation safety network. In my view, these are all positive steps that will prevent another incident like the crash of Flight 3407.

Before I close, I would like to say a word to the families of the crash victims. I deeply empathize with your loss, and in large part, your efforts have been essential in the drafting of this legislation. Thank you for all your perseverance and invaluable contributions during what I know must be difficult times for all of you.

Mrs. BOXER. Mr. President, like many of my colleagues, I was shocked and saddened by the commuter plane crash last February outside of Buffalo, NY. Sadly, Clay Yarber, a resident of Riverside, CA, was one of the 50 victims of this tragic crash.

I would like to offer my deepest condolences to the family and friends of Mr. Yarber and to all of the families dealing with such horrific loss.

The crash of Continental flight 3407 has had a significant impact on how Americans across the country view air travel and has raised serious questions about the safety and oversight of our Nation's aviation system.

Initial hearings held this past May by the National Transportation Safety Board, NTSB, brought to light many unsettling revelations about pilot training, hours of experience, fatigue, and the FAA's oversight role of regional airlines.

I was greatly disturbed by what appeared to be a lack of proper training for the pilots on how to recover from a stall, how to proceed in icing conditions, and reports of the crew commuting cross country without proper rest prior to the flight.

Although regional airlines account for one-half of all of the scheduled flights in the U.S., five of the last seven fatal commercial plane crashes involved these airlines.

As more Americans rely on commuter airlines for air service, the FAA must take aggressive action to ensure that there is no difference in the level of safety provided by these air carriers.

The National Transportation Safety Board, NTSB, hearings also made clear that the FAA must be more proactive when it comes to safety. We must not wait until the next disaster to make long overdue changes in safety regulation at the FAA.

It is unacceptable that the NTSB recommendations designed to address some of the most serious aviation safety deficiencies continue to go unaddressed by the FAA today.

Last May, I joined Senator SNOWE in sending a letter to the Department of Transportation urging the agency to take immediate action to address NTSB recommendations that languished on its Most Wanted list for years and other pressing safety concerns.

In some instances, recommendations such as those meant to address pilot fatigue, have been on the NTSB Most Wanted list since its inception 19 years ago. We must take immediate action to ensure that no other family must endure a similar tragedy because of unmet safety recommendations and a lack of agency oversight.

I was encouraged by recent announcements from the FAA about the agency's initiative to revise work hour rules to address pilot fatigue and to conduct emergency inspections at pilot training facilities. I believe this is a step in the right direction, but we must do more.

That is why I am proud to join Senator SNOWE in introducing the Ensuring One Level of Aviation Safety Act of 2009, to address some of the more egregious aviation safety deficiencies. Our bill requires the FAA to implement unfulfilled NTSB recommendations and to do more oversight of regional airlines and pilot training academies. The bill also requires the FAA to update minimum training standards and hours of experience requirements for pilots.

Finally, this legislation mandates continuing education training for pilots, requires the development of airline fatigue management plans, and allows carriers immediate access to pilot performance records.

I look forward to working with my colleagues and the FAA to implement this legislation and to take additional steps to ensure that there truly is no difference in safety between major carriers and regional airlines.

We cannot wait for the next airline tragedy to take action. The flying public must be assured that the FAA and the airlines are doing their part to make safety the No. 1 priority.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 187—CONDEMNING THE USE OF VIOLENCE AGAINST PROVIDERS OF HEALTH CARE SERVICES TO WOMEN

Mrs. SHAHEEN (for herself, Ms. KLOBUCHAR, Mrs. BOXER, Mrs. MURRAY, Mr. DURBIN, Mr. DODD, Mr. SCHUMER, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. HARKIN, Mr. CARPER, Mr. SANDERS, Mr. KAUFMAN, Mr. WYDEN, Mr. KERRY, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mr. LEVIN, Mr. BROWN, Mr. WHITEHOUSE, Mr. BURRIS, Mr. UDALL of Colorado, Ms. STABENOW, Mr. BAUCUS, Ms. CANTWELL, Mr. BINGAMAN, Mr. INOUYE, Mr. CARDIN, Mr. SPECTER, Mr. JOHNSON, Mr. FEINGOLD, Mr. LEAHY, Mr. TESTER, Ms. SNOWE, Mr. BEGICH, Mr. AKAKA, Mr. BENNET, Mrs. FEINSTEIN, Mr. WARNER, Mrs. MCCASKILL, Mr. REED, Mr. KENNEDY, Mr. MERKLEY, and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 187

Whereas Dr. George Tiller of Wichita, Kansas, was shot to death while attending church on Sunday, May 31, 2009;

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

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

Whereas acts of violence are never an acceptable means of expression and shall always be condemned: Now, therefore, be it

Resolved, That the Senate—

(1) expresses great sympathy for the family, friends, and patients of Dr. George Tiller;

(2) recognizes that acts of violence should never be used to prevent women from receiving reproductive health care; and

(3) condemns the use of violence as a means of resolving differences of opinion.

SENATE RESOLUTION 188—CONGRATULATING THE LOS ANGELES LAKERS FOR WINNING THE 2009 NATIONAL BASKETBALL CHAMPIONSHIP

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 188

Whereas, on June 14, 2009, the Los Angeles Lakers defeated the Orlando Magic in game 5 of the 2009 National Basketball Association Championship Finals;

Whereas that triumph marks the 15th National Basketball Association Championship for the Lakers franchise and 10th for the Los Angeles Lakers;

Whereas that triumph also marks the fourth National Basketball Association Championship victory for the Los Angeles Lakers since 1999, earning the Los Angeles Lakers more championship victories in this decade than any other team in the league;

Whereas Los Angeles Lakers head coach Phil Jackson, who throughout his career has epitomized discipline, teaching, and excellence, has won 10 National Basketball Association Championships as a head coach, the most championships for a head coach in National Basketball Association history, surpassing the number won by the legendary Arnold ''Red'' Auerbach;

Whereas the 2009 National Basketball Association Championship marks the ninth championship for Los Angeles Lakers owner Gerald Hatten Buss;

Whereas general manager Mitch Kupchak has built a basketball team that possesses a great balance among all-stars, veterans, and young players;

Whereas the Los Angeles Lakers won 65 games in the 2009 regular season and defeated the Utah Jazz, the Houston Rockets, the Denver Nuggets, and the Orlando Magic in the 2009 National Basketball Association playoffs; and

Whereas each player for the Los Angeles Lakers, including Trevor Ariza, Shannon Brown, Kobe Bryant, Andrew Bynum, Jordan Farmar, Derek Fisher, Pau Gasol, Didier Ilunga-Mbenga, Adam Morrison, Lamar Odom, Josh Powell, Sasha Vujacic, Luke Walton, and Sue Yue, contributed to what was truly a team effort during the regular season and the playoffs to bring the 2009 National Basketball Association Championship to the city of Los Angeles: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Los Angeles Lakers for winning the 2009 National Basketball Association Championship;

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication made winning the championship possible; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to—

(A) the 2009 Los Angeles Lakers team and their head coach Phil Jackson;

(B) the Los Angeles Lakers owner Gerald Hatten Buss; and

(C) the Los Angeles Lakers general manager Mitch Kupchack.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1321. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table.

SA 1322. Mr. INHOFE (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1323. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1324. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1325. Mr. BROWNBACK (for himself, Mr. KYL, Mr. CRAPO, Mr. ROBERTS, Mr. RISCH, Mr. COBURN, Mr. CORNYN, Mr. BOND, Mr. INHOFE, Mr. DEMINT, Mr. BUNNING, Mr. BENNETT, Mr. CHAMBLISS, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1326. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1327. Mr. REID (for Mr. KENNEDY (for himself and Mr. KERRY)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1328. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1329. Mr. CORKER (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1330. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1331. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1332. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1333. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1334. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1335. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1336. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1337. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1321. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. __. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) IN GENERAL.—Subsection (m) of section 274 of the Internal Revenue Code of 1986 (relating to additional limitations on travel expenses) is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SA 1322. Mr. INHOFE (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. EXEMPTION OF FISHING GUIDES AND OTHER OPERATORS OF UNINSPECTED VESSELS ON LAKE TEXOMA FROM COAST GUARD AND OTHER REGULATIONS.

(a) EXEMPTION.—

(1) EXEMPTION OF STATE LICENSEES FROM COAST GUARD REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are licensed by the State in which they are operating shall not be subject to any requirement established or administered by the Coast Guard with respect to that operation.

(2) EXEMPTION OF COAST GUARD LICENSEES FROM STATE REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are currently licensed by the Coast Guard to conduct such activities shall not be subject to State regulation for as long as the Coast Guard license for such activities remains valid.

(b) STATE REQUIREMENTS NOT AFFECTED.—Except as provided in subsection (a)(2), this section does not affect any requirement under State law or under any license issued under State law.

SEC. 10. WAIVER OF BIOMETRIC TRANSPORTATION SECURITY CARD REQUIREMENT FOR CERTAIN SMALL BUSINESS MERCHANT MARINERS.

Section 70105(b)(2)(B) of title 46, United States Code, is amended by inserting ''and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title'' before the semicolon.

SA 1323. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 19, strike line 13 and all that follows through page 25, line 10, and insert the following:

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—From the amounts collected under clause (i)(I), $100,000,000 shall be credited to the Travel Promotion Fund established under section 4 of the Travel Promotion Act of 2009, and any additional amounts shall be used by the Secretary for travel security programs authorized under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including the Electronic System for Travel Authorization (ESTA) and the United States Visitor and Immigrant Status Indicator Technology (US–VISIT). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)) is amended by adding at the end the following:

''(E) STRATEGIC PLAN.—

''(i) SUBMISSION.—Not later than 180 days after the date of the enactment of the Travel Promotion Act of 2009, the Secretary of Homeland Security shall prepare and submit a strategic plan to the recipients listed under clause (ii) that describes how the full implementation of the System will ensure that all individuals traveling by airplane to the United States from a program country have their travel authorization verified before boarding the airplane.

''(ii) RECIPIENTS.—The strategic plan prepared under clause (i) shall be submitted to—

''(I) the Committee on Appropriations of the Senate;

''(II) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(III) the Committee on the Judiciary of the Senate;

''(IV) the Committee on Appropriations of the House of Representatives;

''(V) the Committee on Homeland Security of the House of Representatives;

''(VI) the Committee on the Judiciary of the House of Representatives; and

''(VII) the Comptroller General of the United States.

''(iii) MILESTONES.—The strategic plan prepared under clause (i) shall include a detailed timeline that describes the specific actions that will be taken to achieve the following milestones:

''(I) Enrollment of all travelers from program countries into the System.

''(II) Incorporation of the airlines into the System.

''(III) Deployment of the technology of the System in all airports located in program countries, either through the use of standalone kiosks or through the participation of the airlines.

''(IV) Verification of travel authorizations of all aliens described in subsection (a) before they board an airplane bound for the United States.

''(V) Administration of the System solely with fees collected under subparagraph (B)(i)(II).

''(iv) COMMUNICATIONS STRATEGY.—The strategic plan prepared under clause (i) shall include—

''(I) an analysis of the System's communications strategy; and

''(II) recommendation for improving the communications strategy to ensure that all travelers to the United States from program countries are informed of the requirements under this section.''.

(2) GAO REVIEW.—Not later than 90 days after receiving a copy of the strategic plan under section 217(h)(3)(E) of the Immigration and Nationality Act, as added by paragraph (1), the Comptroller General shall complete a review of the plan to determine whether the plan addresses the main security risks associated with the Electronic System for Travel Authorization in an efficient, cost effective, and timely manner.

(c) FUNDING LIMITATION.—None of the amounts made available to the Secretary of Homeland Security under section 217(h)(3)(B)(i)(II) of the Immigration and Nationality Act, as added by subsection (a), to carry out the Electronic System for Travel Authorization authorized under section 217(h)(3) of such Act may be expended until the Secretary submits the strategic plan required by section 217(h)(3)(E) of such Act.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for

verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than $20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

"SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall—

''(A) report to the Secretary;

''(B) ensure that the Office is effectively carrying out its functions; and

''(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

''(4) RULE OF CONSTRUCTION.—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the processes through which individuals are admitted into the United States.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).''.

SA 1324. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE I—COMMISSIONS ON WARTIME TREATMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Wartime Treatment Study Act''.

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families, requiring them to carry Certificates of Identification and limiting their travel and personal property rights. At that time, these groups were the two largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, thousands of European Latin Americans, including German and Austrian Jews, were arrested, relocated to the United States, and interned. Many were later repatriated or deported to European Axis nations during World War II and exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the Armed Forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the German American and Italian American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930s and 1940s, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 103. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and resident aliens of German ancestry.

(C) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and resident aliens of Italian ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including German or Italian ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term ''Latin American nation'' refers to any nation in Central America, South America, or the Caribbean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. 111. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and two members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 112. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to United States laws and directives, including the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to these and other pertinent laws, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall also include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as ''World War II detention facilities'');

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(2) An assessment of the underlying rationale of the decision of the United States Government to develop the programs and policies described in paragraph (1), the information the United States Government received or acquired suggesting these programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(3) A brief review of the participation by European Americans in the United States Armed Forces, including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including public education programs and the creation of a comprehensive online database by the National Archives and Records Administration of documents related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 111(e).

SEC. 113. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 114. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $600,000 to carry out this subtitle.

SEC. 116. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. 121. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members,

who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include two members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 122. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 121(e).

SEC. 123. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law. For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 124. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $600,000 to carry out this subtitle.

SEC. 126. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

Subtitle C—Funding Source

SEC. 131. FUNDING SOURCE.

Of the funds made available for the Department of Justice by the Department of Justice Appropriations Act, 2009 (title II of division B of Public Law 111–8), $1,200,000 is hereby rescinded.

SA 1325. Mr. BROWNBACK (for himself, Mr. KYL, Mr. CRAPO, Mr. ROBERTS, Mr. RISCH, Mr. COBURN, Mr. CORNYN, Mr. BOND, Mr. INHOFE, Mr. DEMINT, Mr. BUNNING, Mr. BENNETT, Mr. CHAMBLISS, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a nonprofit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 9. DESIGNATION AS A COUNTRY THAT HAS REPEATEDLY PROVIDED SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.

(a) DESIGNATION.—Until the President makes the certification required under subsection (b), the Secretary of State shall designate the Democratic People's Republic of North Korea as a country that has repeatedly provided support for acts of international terrorism for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(b) CERTIFICATION REGARDING ACTIONS BY GOVERNMENT OF NORTH KOREA.—The certification referred to in subsection (a) is a certification to Congress that the Government of North Korea has—

(1) verifiably dismantled its nuclear weapons programs;

(2) ceased all nuclear and missile proliferation activities;

(3) released United States citizens Euna Lee and Laura Ling;

(4) returned the last remains of United States permanent resident, Reverend Kim Dong-shik;

(5) released, or accounted for, all foreign abductees and prisoners of war; and

(6) released all North Korean prisoners of conscience.

SA 1326. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

Beginning on page 19, strike line 17 and all that follows through page 20, line 10, and insert the following:

''(B) FEES.—

''(i) IN GENERAL.—Not later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. Such fee shall be not less than $20 per travel authorization and distributed as follows:

''(I) $10 of each fee shall be transferred to the Travel Promotion Fund established by section 4(a) of the Travel Promotion Act of 2009.

''(II) The amount of each fee not transferred under subclause (I) shall be available to the Secretary of Homeland Security—

''(aa) to carry out the exit system required by section 217(i) and similar programs at sea and land ports of entry; and

''(bb) to ensure recovery of the full costs of providing and administering the System.

''(ii) EXCEPTION.—Any amount collected for distribution under clause (i)(I) for a fiscal year that exceeds the maximum amount that may be transferred to the Travel Promotion Fund under subsections (b), (c), and (d) of section 4 of the Travel Promotion Act of 2009 for such fiscal year shall be made available to the Secretary of Homeland Security under clause (i)(II).

''(iii) ANNUAL REPORT.—The Secretary of Homeland Security shall submit to Congress an annual report on the use of the fees described in clause (i).

SA 1327. Mr. REID (for Mr. KENNEDY (for himself and Mr. KERRY)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REDESIGNATION OF LONGFELLOW NATIONAL HISTORIC SITE, MASSACHUSETTS.

(a) IN GENERAL.—The Longfellow National Historic Site in Cambridge, Massachusetts, shall be known and designated as ''Longfellow House-Washington's Headquarters National Historic Site''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Longfellow National Historic Site shall be considered to be a reference to the ''Longfellow House-Washington's Headquarters National Historic Site''.

SA 1328. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 21, strike lines 11 and 12, and insert:

(B) the assessment is approved unanimously by those voting in the referendum.

SA 1329. Mr. CORKER (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. TROUBLED ASSET RELIEF PROGRAM AMENDMENTS.

(a) AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

(b) CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.—

(1) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(2) APPOINTMENT OF TRUSTEES.—

(A) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(B) CRITERIA.—Trustees appointed under this subsection—

(i) may not be elected or appointed Government officials;

(ii) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(iii) shall serve without compensation for their services under this section.

(3) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(A) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(B) select the representation on the boards of directors of any designated TARP recipient; and

(C) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(4) LIQUIDATION.—The trustees shall liquidate the trust established under this subsection, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

(c) DEFINITIONS.—As used in this section—

(1) the term ''designated TARP recipient'' means any entity that has received, or will receive, financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Federal Government holds or controls, or will hold or control at a future date, not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1330. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.__. ENERGY MARKET MANIPULATION PREVENTION.

(a) FINDING.—The Congress finds as follows:

(1) The Commodity Futures Trading Commission was created as an independent agency, in 1974, with the mandate to enforce and administer the Commodity Exchange Act, to ensure market integrity, to protect market users from fraud and abusive trading practices, and to prevent and prosecute manipulation of the price of any commodity in interstate commerce.

(2) Congress has given the Commodity Futures Trading Commission authority under the Commodity Exchange Act to take necessary actions to address market emergencies.

(3) The Commodity Futures Trading Commission may use its emergency authority with respect to any major market disturbance which prevents the market from accurately reflecting the forces of supply and demand for a commodity.

(4) Congress has declared, in section 4a of the Commodity Exchange Act, that excessive speculation imposes an undue and unnecessary burden on interstate commerce.

(5) In May of 2009, crude oil inventories in the United States were at their highest level in 20 years.

(6) In May of 2009, demand for oil in the United States dropped to its lowest level in more than a decade.

(7) As of June 17, 2009, average retail gasoline prices have risen for 50 consecutive days, the longest streak on record.

(8) The national average price of a gallon of gasoline has jumped from $1.61 a gallon in late December of 2008 to over $2.67 as of June 17, 2009.

(9) The Energy Information Administration reported on June 17, 2009 that U.S. gasoline stocks rose by 3.4 million barrels last week.

(10) As of June 17, 2009, crude oil prices have more than doubled since February of 2009.

(11) The International Energy Agency predicted in June of 2009 that global oil demand will go down in 2009 by 2.47 million barrels per day, including a one million barrel per day reduction in oil demand in the United States.

(b) DIRECTION FROM CONGRESS.—The Commodity Futures Trading Commission shall utilize all its authority, including its emergency powers, to—

(1) curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded; and (2) eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

SA 1331. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 20, between lines 10 and 11, insert the following:

''(iii) LIMITATION ON COLLECTION OF FEES.—Notwithstanding clause (i), the Secretary of Homeland Security may not assess or collect the fee described in that clause after the date on which—

''(I) the Secretary of Homeland Security makes a determination that a program country designated under subsection (c) has imposed, in response to the fee assesses and collected under clause (i), a fee on nationals of the United States traveling to that program country; or

''(II) the Secretary of State makes and submits to Congress and the Secretary of Homeland Security the determination described in subclause (I).

SA 1332. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

____. REVIEW TO PREVENT DUPLICATION.—Notwithstanding any other provision of law or of this Act, not later than 60 days after the date of the enactment of this Act, as part of the Administration's effort to go line by line through the Federal budget to eliminate duplicative government programs, the Secretary of Commerce, in consultation with the Secretary of Homeland Security, the Secretary of State, and the Director of the Office of Management and Budget, shall—

(1) evaluate the Office of Travel Promotion established in section 7 of this Act and the existing Office of Travel and Tourism at the Department of Commerce;

(2) determine which duties and activities of the Office of Travel Promotion are duplicative of existing activities at the Departments of Commerce, the Department of Homeland Security, the Department of State, or any other Federal agency or department;

(3) consolidate any essential and non-duplicative activities; and

(4) eliminate the Office of Travel Promotion.

SA 1333. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 22, strike lines 12 through 15.

SA 1334. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 20, between lines 10 and 11, insert the following:

''(iii) LIMITATION ON COLLECTION OF FEES.—Notwithstanding clause (i), the Secretary of Homeland Security may not assess or collect the fee described in that clause after the date on which—

''(I) the Secretary of Homeland Security makes a determination that a program country designated under subsection (c) has imposed, in response to the fee assesses and collected under clause (i), a fee on students who are nationals of the United States traveling to that program country to participate in a study abroad program; or

''(II) the Secretary of State makes and submits to Congress and the Secretary of Homeland Security the determination described in subclause (I).

SA 1335. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, strike lines 16 through 19 and insert the following:

by international travelers;

(E) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States; and

(F) after seeking the advice of federally recognized Indian tribes, to identify opportunities and strategies to promote international tourism and bring the benefits of international travel to Indian and Alaska Native communities.

SA 1336. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—SMALL BUSINESS EXPORT OPPORTUNITY DEVELOPMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Small Business Export Opportunity Development Act of 2009''.

SEC. __02. DEFINITIONS.

In this title—

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

(2) the term ''Export Assistance Center'' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

(3) the term ''export loan programs'' means the programs of the Administration under paragraphs (14) and (16) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and section 22 of that Act (15 U.S.C. 649), as amended by this title; and

(4) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. __03. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

(a) OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended to read as follows:

''SEC. 22. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

''(a) DEFINITIONS.—In this section—

''(1) the term 'accredited export assistance program' means a program—

''(A) that provides counseling and assistance relating to exporting to small business concerns; and

''(B) in which not less than 20 percent of the technical assistance staff members are certified in providing export assistance under subsection (g)(2);

''(2) the term 'Associate Administrator' means the Associate Administrator for Export Development and Promotion;

''(3) the term 'Export Assistance Center' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

''(4) the term 'export development officer' means an individual described in subsection (d)(8);

''(5) the term 'Office' means the Office of Export Promotion and Development established under subsection (b)(1); and

''(6) the term 'Service Corps of Retired Executives' means the Service Corps of Retired Executives authorized by section 8(b)(1).

''(b) OFFICE ESTABLISHED.—

''(1) ESTABLISHMENT.—There is established within the Administration an Office of Export Promotion and Development, which shall carry out the programs under this section.

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for Export Development and Promotion, who shall report directly to the Administrator.

''(c) DUTIES OF OFFICE.—The Associate Administrator, working in close cooperation with the Department of Commerce, the United States Trade Representative, the Export-Import Bank, other relevant Federal agencies, small business development centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

''(1) maintain a distribution network for export promotion, export finance, trade adjustment, trade remedy assistance, and export data collection programs through use of the regional and district offices of the Administration, the small business development center network, the network of women's business centers, chapters of the Service Corps of Retired Executives, and Export Assistance Centers;

''(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to the small business community on exporting trends, market-specific growth, industry trends, and international prospects for exports;

''(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partnerships with people in the private sector; and

''(4) give preference in hiring or approving the transfer of any employee into the Office or to an export development officer position to otherwise qualified applicants who are fluent in a language in addition to English, who shall—

''(A) accompany foreign trade missions, if designated by the Associate Administrator; and

''(B) be available as needed to translate documents, interpret conversations, and facilitate multilingual transactions, including providing referral lists for translation services, if required.

''(d) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator shall promote sales opportunities for small business goods and services abroad by—

''(1) in cooperation with the Department of Commerce, other relevant agencies, regional and district offices of the Administration,

the small business development center network, and State programs, developing a mechanism for—

''(A) identifying sub-sectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D) assisting in increasing international marketing by disseminating relevant information regarding market leads, linking potential sellers and buyers, and catalyzing the formation of joint ventures, where appropriate;

''(2) in cooperation with the Department of Commerce, actively assisting small business concerns in forming and using export trading companies, export management companies and research and development pools authorized under section 9 of this Act;

''(3) working in conjunction with other Federal agencies, regional and district offices of the Administration, the small business development center network, and the private sector to identify and publicize translation services, including those available through colleges and universities participating in the small business development center program;

''(4) working closely with the Department of Commerce and other relevant Federal agencies to—

''(A) collect, analyze, and periodically update relevant data regarding the small business share of United States exports and the nature of State exports (including the production of Gross State Product figures) and disseminate that data to the public and to Congress;

''(B) make recommendations to the Secretary of Commerce and to Congress regarding revision of the North American Industry Classification System codes to encompass industries currently overlooked and to create North American Industry Classification System codes for export trading companies and export management companies;

''(C) improve the utility and accessibility of export promotion programs for small business concerns; and

''(D) increase the accessibility of the Export Trading Company contact facilitation service;

''(5) making available to the small business community information regarding conferences on exporting and international trade sponsored by the public and private sector;

''(6) providing small business concerns with access to up-to-date and complete export information by—

''(A) making available at the district offices of the Administration, through cooperation with the Department of Commerce, export information, including the worldwide information and trade system and world trade data reports;

''(B) maintaining a list of financial institutions that finance export operations;

''(C) maintaining a directory of all Federal, regional, State and private sector programs that provide export information and assistance to small business concerns; and

''(D) preparing and publishing such reports as it determines to be necessary concerning market conditions, sources of financing, export promotion programs, and other information pertaining to the needs of small business export firms so as to insure that the maximum information is made available to small business concerns in a readily usable form;

''(7) encouraging, in cooperation with the Department of Commerce, greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities of the Department of Commerce;

''(8) facilitating decentralized delivery of export information and assistance to small businesses by assigning primary responsibility for export development to one individual in each district office, who shall—

''(A) assist small business concerns in obtaining export information and assistance from other Federal departments and agencies;

''(B) maintain a directory of all programs which provide export information and assistance to small business concerns in the region;

''(C) encourage financial institutions to develop and expand programs for export financing;

''(D) provide advice to personnel of the Administration involved in making loans, loan guarantees, and extensions and revolving lines of credit, and providing other forms of assistance to small business concerns engaged in exports; and

''(E) not later than 120 days after the date on which the person is appointed as an export development officer, and not less frequently than once each year thereafter, participate in training programs designed by the Administrator, in conjunction with the Department of Commerce and other Federal departments and agencies, to study export programs and to examine the needs of small business concerns for export information and assistance;

''(9) carrying out a nationwide marketing effort to promote exporting as a business development opportunity for small business concerns that uses technology, online resources, training, and other strategies;

''(10) disseminating information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

''(11) establishing and carrying out training programs for the staff of the district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.

''(e) EXPORT FINANCE SPECIALIST PROGRAM.—

''(1) EXPORT FINANCE SPECIALIST PROGRAM.—The Associate Administrator shall work in cooperation with the Export-Import Bank of the United States, the Department of Commerce, other relevant Federal agencies, and the States to develop a program through which export finance specialists in the district offices of the Administration, regional and local loan officers, and small business development center personnel can facilitate the access of small business concerns to relevant export financing programs of the Export-Import Bank of the United States and to export and pre-export financing programs available from the Administration and the private sector.

''(2) PROGRAM ACTIVITIES.—To carry out paragraph (1), the Associate Administrator shall work in cooperation with the Export-Import Bank of the United States and the small business community, including small business trade associations, to—

''(A) aggressively market Administration export financing and pre-export financing programs;

''(B) identify financing available under various programs of the Export-Import Bank of the United States, and aggressively market those programs to small business concerns;

''(C) assist in the development of financial intermediaries and facilitate the access of those intermediaries to financing programs;

''(D) promote greater participation by private financial institutions, particularly those institutions already participating in loan programs under this Act, in export finance; and

''(E) provide for the participation of appropriate Administration personnel in training programs conducted by the Export-Import Bank of the United States.

''(f) COUNSELING FOR SMALL BUSINESS CONCERNS.—The Associate Administrator shall—

''(1) work in cooperation with other Federal agencies and the private sector to counsel small business concerns with respect to initiating and participating in any proceedings relating to the administration of the United States trade laws; and

''(2) work with the Department of Commerce, the Office of the United States Trade Representative, and the International Trade Commission to increase access to trade remedy proceedings for small business concerns.

''(g) EXPORT ASSISTANCE PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator shall require, as part of the agreement under section 21, that each small business development center has an accredited export assistance program.

''(2) CERTIFICATION.—The Associate Administrator shall certify technical assistance staff members of small business development centers in providing export assistance, in accordance with such criteria as the Associate Administrator may establish.

''(3) TRAINING.—The Associate Administrator shall provide training relating to export assistance programs at the annual conference of small business development centers.

''(4) REPORT.—The Associate Administrator shall submit an annual report to Congress that includes—

''(A) the number of small business concerns assisted by accredited export assistance programs;

''(B) the export revenue generated by small business concerns assisted by accredited export assistance programs; and

''(C) an estimate of the number of jobs created or retained because of assistance provided by accredited export assistance programs.

''(h) EXPORT ASSISTANCE OFFICER.—The Associate Administrator shall—

''(1) assign an export assistance officer with training in export assistance and marketing to each district office of the Administration, who shall—

''(A) conduct training and information sessions for small business concerns interested in exporting; and

''(B) conduct outreach to small business concerns with the potential to export; and

''(2) provide annual training for export assistance officers.

''(i) EXPORT DEVELOPMENT GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible small-business concern' means a small-business concern—

''(i) that—

''(I) has been in business for not less than 1 year;

''(II) has profitable domestic sales;

''(III) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Administrator; and

''(IV) has in place a strategic plan for exporting;

''(ii) an employee of which has completed an accredited export assistance program; and

''(iii) that agrees to provide to the Associate Administrator such information and documentation as is necessary for the Associate Administrator to determine that the small-business concern is in compliance with the internal revenue laws of the United States;

''(B) the term 'export initiative' includes—

''(i) participation in a trade mission;

''(ii) a foreign market sales trip;

''(iii) a subscription to services provided by the Department of Commerce;

''(iv) the payment of website translation fees;

''(v) the design of international marketing media;

''(vi) a trade show exhibition; and

''(vii) participation in training workshops; and

''(C) the term 'small-business concern' has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

''(2) GRANT PROGRAM.—The Associate Administrator shall establish an export development grant program, under which the Associate Administrator may make grants to eligible small-business concerns to enhance the capability of the eligible small-business concerns to be globally competitive, increase business internationally, and increase export sales.

''(3) APPLICATION.—An eligible small-business concern that desires a grant under this subsection shall submit to the Associate Administrator at such time and in such manner as the Associate Administrator shall prescribe an application that identifies not less than 1 specific, achievable export initiative that the eligible small-business concern will carry out using a grant under this subsection.

''(4) AMOUNT.—A grant under this subsection may not exceed $5,000.

''(5) MATCHING FUNDS.—The Federal share of the cost of an export initiative carried out with a grant under this subsection shall be not more than 50 percent. The non-Federal share of the cost of an activity carried out with a grant under this subsection may be in kind or in cash.

''(6) INFORMATION AND DOCUMENTATION.—An eligible small-business concern that receives a grant under this subsection shall provide to the Associate Administrator—

''(A) receipts for all expenditures made with the grant; and

''(B) information relating to any export sales resulting from the grant.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2010 and each fiscal year thereafter.

''(j) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

''(A) the number of small business concerns that—

''(i) receive assistance from the Administration;

''(ii) had not exported goods or services before receiving the assistance described in clause (i); and

''(iii) export goods or services;

''(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

''(C) export revenues by small business concerns assisted by programs of the Administration;

''(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office; and

''(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center.

''(2) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures described in paragraph (1), that is consistent with systems used by the departments and agencies and the network.

''(3) REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that includes—

''(A) a detailed account of the information relating to the performance measures described in paragraph (1); and

''(B) a description of the export assistance and services provided to small business concerns by the Administration.

''(k) REPORT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administration in implementing the requirements under this section.

''(l) DISCHARGE OF ADMINISTRATION EXPORT PROMOTION RESPONSIBILITIES.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade and exporting are carried out through the Associate Administrator;

''(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator has direct supervision and control over the staff of the Office, and over any employee of the Administration whose principal duty station is an Export Assistance Center or any successor entity.''.

(b) EXPORT DEVELOPMENT OFFICERS.—

(1) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall ensure that export development officers are assigned to each district office of the Administration, in accordance with section 22(d)(8) of the Small Business Act, as amended by this section.

(2) DEFINITION.—In this subsection, the term ''export development officer'' has the meaning given that term in section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

(c) EXPORT ASSISTANCE CENTERS.—

(1) VACANT POSITIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall ensure that the number of full-time equivalent employees of the Office of Export Development and Promotion assigned to the Export Assistance Centers is not less than the number of such employees so assigned on January 1, 2003.

(2) EXPORT DEVELOPMENT OFFICERS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in coordination with the Secretary of Commerce, shall ensure that export finance specialists are assigned to not fewer than 40 Export Assistance Centers.

(3) STUDY.—Not later than 6 months after the date of enactment of this Act, the Associate Administrator for Export Development and Promotion shall carry out a nationwide study to evaluate where additional export finance specialists are needed.

(4) DEFINITION.—In this subsection, the term ''export finance specialist'' means an export finance specialist described in section 22(e)(1) of the Small Business Act (15 U.S.C. 649(e)(1)), as amended by this section.

(d) APPOINTMENT OF ASSOCIATE ADMINISTRATOR.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint an Associate Administrator for Export Development and Promotion under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NUMBER OF ASSOCIATE ADMINISTRATORS.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(A) in the fifth sentence, by striking ''five''; and

(B) by adding at the end the following: ''One of the Associate Administrators shall be the Associate Administrator for Export Development and Promotion, who shall be the head of the Office of Export Development and Promotion established under section 22.''.

(2) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE AND EXPORT POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A) by inserting ''through the Associate Administrator for Export Development and Promotion of'' before ''the Small Business Administration''.

SEC. __04. EXPORT FINANCE PROGRAMS.

(a) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking ''not exceed'' and inserting ''be''; and

(2) in paragraph (14)—

(A) by striking ''(A) The Administration'' and inserting the following: ''EXPORT WORKING CAPITAL PROGRAM.—

''(A) IN GENERAL.—The Administrator'';

(B) by striking ''(B) When considering'' and inserting the following:

''(C) CONSIDERATIONS.—When considering'';

(C) by striking ''(C) The Administration'' and inserting the following:

''(D) MARKETING.—The Administrator''; and

(D) by inserting after subparagraph (A) the following:

''(B) TERMS.—

''(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than $5,000,000.

''(ii) FEES.—

''(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

''(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.''.

(b) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to

participate in the Preferred Lenders Program.''.

(c) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking ''(32) INCREASED VETERAN'' and inserting ''(33) INCREASED VETERAN''; and

(2) by adding at the end the following:

''(34) EXPORT EXPRESS PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'export development activity' includes—

''(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

''(II) participation in a trade show that takes place outside the United States;

''(III) translation of product brochures or catalogues for use in markets outside the United States;

''(IV) obtaining a general line of credit for export purposes;

''(V) performing a service contract from buyers located outside the United States;

''(VI) obtaining transaction-specific financing associated with completing export orders;

''(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

''(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

''(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

''(ii) the term 'express loan' means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

''(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

''(C) LEVEL OF PARTICIPATION.—

''(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be $500,000.

''(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

''(I) 90 percent of a loan that is not more than $350,000; and

''(II) 75 percent of a loan that is more than $350,000 and not more than $500,000.''.

(d) INTERNATIONAL TRADE LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (3)(B), by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$5,000,000, of which not more than $4,000,000''; and

(2) in paragraph (16)—

(A) in subparagraph (B), by striking ''a first lien position'' and all that follows and inserting ''such collateral as is determined adequate by the Administrator.'';

(B) in subparagraph (D), by striking clauses (i) and (ii) and inserting the following:

''(i) is confronting—

''(I) increased competition with foreign firms in the relevant market; or

''(II) an unfair trade practice by a foreign firm, particularly intellectual property violations; and

''(ii) is injured by the competition or unfair trade practice.''; and

(C) by adding at the end the following:

''(F) GUARANTEE.—For a loan guaranteed under this paragraph, the Administrator shall guarantee 90 percent of the loan.

''(G) DEFINITION.—In this paragraph, the term 'small business concern' has the meaning given the term 'small-business concern' in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), in the matter preceding clause (i), by inserting ''or (D) of this paragraph or in paragraph (16) or (34)'' after ''in subparagraph (B)''; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by striking ''No'' and inserting ''Except as provided in paragraph (14)(B), no''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking ''Lender'' and inserting ''Lenders'';

(ii) in subparagraph (E)—

(I) by striking ''Lender'' and inserting ''Lenders''; and

(II) by striking ''subsection (a)(2)(C)(ii)'' and inserting ''subsection (a)(2)(C)(iii)''; and

(B) in paragraph (7)(B)(ii), by striking ''Lender'' and inserting ''Lenders''.

SEC. __05. MARKETING OF EXPORT LOANS.

The Administrator shall make efforts to expand the network of lenders participating in the export loan programs, including by—

(1) conducting outreach to regional and community lenders through the staff of the Administration assigned to Export Assistance Centers or to district offices of the Administration;

(2) developing a lender training program regarding the export loan programs for employees of lenders;

(3) simplifying and streamlining the application, processing, and reporting processes for the export loan programs; and

(4) establishing online, paperless processing and application submission for the export loan programs.

SEC. __06. SMALL BUSINESS TRADE POLICY.

(a) ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SMALL BUSINESS.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

(1) by adding at the end the following:

''(6)(A) There is established within the Office the position of Assistant United States Trade Representative for Small Business, who shall be appointed by the United States Trade Representative.

''(B) The Assistant United States Trade Representative for Small Business shall—

''(i) promote the trade interests of small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662));

''(ii) advocate for the reduction of foreign trade barriers with regard to the trade issues of small-business concerns that are exporters;

''(iii) collaborate with the Administrator of the Small Business Administration with regard to the trade issues of small-business concern trade issues;

''(iv) assist the United States Trade Representative in developing trade policies that increase opportunities for small-business concerns in foreign and domestic markets, including polices that reduce trade barriers for small-business concerns; and

''(v) perform such other duties as the United States Trade Representative may direct.''; and

(2) by moving paragraph (5) 2 ems to the left.

(b) TRADE PROMOTION COORDINATING COMMITTEE.—

(1) DETAILEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended by adding at the end the following:

''(g) SMALL BUSINESS ADMINISTRATION.—The Administrator of the Small Business Administration shall detail an employee of the Small Business Administration having expertise in export promotion to the TPCC to encourage the TPCC to—

''(1) collaborate with the Small Business Administration with regard to trade promotion efforts; and

''(2) consider the interests of small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)) in the development of trade promotion policies and programs.''.

(2) NATIONAL EXPORT STRATEGY.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(A) in subsection (c)—

(i) in paragraph (5), by striking ''and'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(7) include an export strategy for small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)), which shall—

''(A) be developed by the Administrator of the Small Business Administration; and

''(B) include strategies to—

''(i) increase export opportunities for small-business concerns;

''(ii) protect small-business concerns from unfair trade practices, including intellectual property violations;

''(iii) assist small-business concerns with international regulatory compliance requirements; and

''(iv) coordinate policy and program efforts throughout the United States with the TPCC, the Department of Commerce, and the Export Import Bank of the United States.''; and

(B) in subsection (f), in paragraph (1), by inserting ''(including implementation of the export strategy for small business concerns described in paragraph (7) of that subsection)'' after ''the implementation of such plan''.

(c) RECOMMENDATIONS ON TRADE AGREEMENTS.—

(1) NOTIFICATION BY USTR.—Not later than 90 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the United States Trade Representative shall notify the Administrator of the date the negotiation will begin.

(2) RECOMMENDATIONS.—Not later than 30 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the Administrator shall present to the United States Trade Representative recommendations relating to the needs and concerns of small business concerns that are exporters.

(d) TRADE DISPUTES.—The Administrator shall carry out a comprehensive program to provide technical assistance, counseling, and reference materials to small business concerns relating to resources, procedures, and requirements for mechanisms to resolve international trade disputes or address unfair international trade practices under international trade agreements or Federal law, including—

(1) directing the district offices of the Administration to provide referrals, information, and other services to small business concerns relating to the mechanisms;

(2) entering agreements and partnerships with providers of legal services relating to the mechanisms, to ensure small business concerns may affordably use the mechanisms; and

(3) in consultation with the Director of the United States Patent and Trademark Office

and the Register of Copyrights, designing counseling services and materials for small business concerns regarding intellectual property protection in other countries.

SA 1337. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 20 and all that follows through page 3, line 14, and insert the following:

(1) IN GENERAL.—The Corporation shall have a board of directors of 12 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(A) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(B) 1 shall have appropriate expertise and experience in the restaurant sector;

(C) 1 shall have appropriate expertise and experience with small business concerns (as that term is used in section 3 of the Small Business Act (15 U.S.C. 632)) or associations that represent small business concerns;

(D) 1 shall have appropriate expertise and experience in the retail sector or in associations representing that sector;

On page 20, strike lines 19 and 20 and insert the following:

travel and tourism industry (other than those that are small business concerns (as that term is used in section 3 of the Small Business Act (15 U.S.C. 632)), in the retail sector, or in the passenger air sector) represented on the Board

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. 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 Wednesday, June 17, 2009, from 9–10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 10 a.m. in room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 2:30 p.m. in room 325 of the Russell Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 17, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the U.S. Department of Justice.''

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

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 10 a.m. in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests, be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 1:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on readiness and management support be authorized to meet during the session of the Senate on Wednesday, June 17, 2009, at 3 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 17, 2009 from 2 p.m.–4 p.m. in room 216 of the Hart Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Robert Burnham and Terri Chen of my office be granted the privilege of the floor for the pendency of S. 1023, the travel promotion bill.

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

WEBCASTER SETTLEMENT ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 2344.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2344) to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

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

Mr. LEAHY. Mr. President, the Webcaster Settlement Act of 2009 will provide the recording industry and webcasters the additional time they need to reach a mutually beneficial agreement on webcasting rates. I am pleased that Congress has acted swiftly on this legislation.

I have long championed the development of new business models for transmitting music to the public. Webcasters are able to offer a range of music to consumers in a form that can compete with traditional broadcast radio and satellite radio. As webcasting and webcasters flourish, the performers whose music is attracting listeners deserve compensation.

In March 2007, the Copyright Royalty Board determined the rates applicable to webcasters through 2010. Webcasters large and small expressed serious concerns that the new rates would threaten their viability. I encouraged all parties at that time to negotiate and reach an agreement on rates that would compensate recording artists while allowing webcasters to prosper. The Copyright Royalty Board process is intended as a backstop when parties cannot reach agreements. All parties, and the listening public, benefit when private sector agreements are reached.

Last year, Congress passed an extension similar to the one we pass today. It paved the way for agreements between SoundExchange, on behalf of the recording industry, and the National Association of Broadcasters, the Corporation for Public Broadcasting, and a group of small webcasters.

I am pleased that both webcasters and the recording industry are promoting this legislation. I have said before that I would not sanction a legislative readjustment of rates because one party is dissatisfied with the results. By passing this extension today, Congress is returning the authority to set rates to the creators and distributors of the music we all enjoy.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2344) was ordered to a third reading, was read the third time, and passed.

ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004 EXTENSION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 2675.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2675) to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

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

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act, ACPERA. I have long supported vigorous enforcement of the antitrust laws. Passage of this legislation ensures that the Department of Justice will retain the tools it needs to prosecute criminal antitrust violations effectively and efficiently.

Since its inception 5 years ago, ACPERA has bolstered the Department of Justice's ability to uncover and prosecute criminal antitrust violations through its leniency program. The act provides incentives for corporations to self-report antitrust violations by limiting criminal liability and the civil damages recoverable to actual damages against a party that comes forward and cooperates with the Department of Justice.

The incentives in this program are critical to the success of the Antitrust Division's criminal antitrust enforcement. The 1-year extension will allow the Department of Justice to continue this successful program while Congress assesses the long-term direction of the Department of Justice's leniency program.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2675) was ordered to a third reading, was read the third time, and passed.

J. HERBERT W. SMALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 75, H.R. 813.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 813) to designate the Federal building and United States courthouse located 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse.''

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with be no intervening action or debate, and that any statements relating to this bill be printed in the RECORD.

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

The bill (H.R. 813) was ordered to a third reading, was read the third time, and passed.

RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 76, H.R. 837.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 837) to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building.''

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

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

The bill (H.R. 837) was read the third and passed.

DESIGNATING 2009 AS YEAR OF THE NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate then proceed to S. Res. 66.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 66) designating 2009 as the ''Year of the Noncommissioned Officer Corps of the United States Army.''

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 66

Whereas the Secretary of the Army has designated 2009 as the Year of the United States Army Noncommissioned Officer (NCO) to honor more than 200 years of service by the noncommissioned officers of the Army to the Army and the American people;

Whereas the modern noncommissioned officer of the Army operates autonomously, and always with confidence and competence;

Whereas the Noncommissioned Officer Corps of the Army has distinguished itself as the most accomplished group of military professionals in the world, with noncommissioned officers of the Army leading the way in education, training, and discipline, empowered and trusted like no other noncommissioned officers, and serving as role models to the most advanced armies in the world; and

Whereas the noncommissioned officers of the Army share their strength of character and values with every soldier, officer, and civilian they support across the regular and reserve components of the Army, and take the lead and are the keepers of Army standards: Now, therefore, be it

Resolved, That the Senate—

(1) designates 2009 as the ''Year of the Noncommissioned Officer Corps of the United States Army''; and

(2) encourages the people of the United States to recognize the ''Year of the Noncommissioned Officer Corps of the United States Army'' with appropriate ceremonies and activities.

CONGRATULATING THE LOS ANGELES LAKERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 188.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 188) congratulating the Los Angeles Lakers for winning the 2009 National Basketball Association Championship.

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the resolution.

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

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

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas, on June 14, 2009, the Los Angeles Lakers defeated the Orlando Magic in game 5 of the 2009 National Basketball Association Championship Finals;

Whereas that triumph marks the 15th National Basketball Association Championship for the Lakers franchise and 10th for the Los Angeles Lakers;

Whereas that triumph also marks the fourth National Basketball Association Championship victory for the Los Angeles Lakers since 1999, earning the Los Angeles Lakers more championship victories in this decade than any other team in the league;

Whereas Los Angeles Lakers head coach Phil Jackson, who throughout his career has epitomized discipline, teaching, and excellence, has won 10 National Basketball Association Championships as a head coach, the most championships for a head coach in National Basketball Association history, surpassing the number won by the legendary Arnold ''Red'' Auerbach;

Whereas the 2009 National Basketball Association Championship marks the ninth championship for Los Angeles Lakers owner Gerald Hatten Buss;

Whereas general manager Mitch Kupchak has built a basketball team that possesses a great balance among all-stars, veterans, and young players;

Whereas the Los Angeles Lakers won 65 games in the 2009 regular season and defeated the Utah Jazz, the Houston Rockets, the Denver Nuggets, and the Orlando Magic in the 2009 National Basketball Association playoffs; and

Whereas each player for the Los Angeles Lakers, including Trevor Ariza, Shannon Brown, Kobe Bryant, Andrew Bynum, Jordan Farmar, Derek Fisher, Pau Gasol, Didier Ilunga-Mbenga, Adam Morrison, Lamar Odom, Josh Powell, Sasha Vujacic, Luke Walton, and Sue Yue, contributed to what was truly a team effort during the regular season and the playoffs to bring the 2009 National Basketball Association Championship to the city of Los Angeles: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Los Angeles Lakers for winning the 2009 National Basketball Association Championship;

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication made winning the championship possible; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to—

(A) the 2009 Los Angeles Lakers team and their head coach Phil Jackson;

(B) the Los Angeles Lakers owner Gerald Hatten Buss; and

(C) the Los Angeles Lakers general manager Mitch Kupchack.

DETAINEE PHOTOGRAPHIC RECORDS PROTECTION ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1285.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 1285) to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act), to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes.

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

Mr. REID. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 1285) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Detainee Photographic Records Protection Act of 2009''.

(b) DEFINITIONS.—In this section:

(1) COVERED RECORD.—The term ''covered record'' means any record—

(A) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger —

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) NOTICE TO CONGRESS.—A timely notice of the Secretary's certification shall be submitted to Congress.

(d) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

SEC. 2. OPEN FREEDOM OF INFORMATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''OPEN FOIA Act of 2009''.

(b) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hilary Tompkins, to be Solicitor of the Department of the Interior; that the nomination be confirmed and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed at the appropriate place in the RECORD as if read, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF THE INTERIOR

Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, JUNE 18, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Thursday, June 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two

leaders be reserved for their use later in the day, and there be a period for morning business for 1 hour with the time equally divided or controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. REID. Under a previous order, following morning business, the Senate will return to consideration of S. Con. Res. 26, a concurrent resolution relating to slavery. It is an apology relating to slavery. There will be an hour for debate equally divided and controlled between the two leaders or their designees prior to a vote on adoption of the concurrent resolution. We expect that vote to be a voice vote.

Upon disposition of the concurrent resolution, the Senate will resume consideration of the conference report to accompany H.R. 2346, the emergency appropriations bill.

We hope we can work out an agreement on this tomorrow to finalize the supplemental. If not, we will have a cloture vote Friday morning early.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. 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 7:38 p.m., adjourned until Thursday, June 18, 2009, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

VILMA S. MARTINEZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIAN G. DONAHUE

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 lieutenant colonel

ROBERT L. DORAN
MICHAEL J. HUTH
RYAN S. JONES
MARK E. PATTON
JAMES J. RISGAARD
SIDNEY M. SMITH
CHAD R. WALKER
RICKY R. WALLACE

To be major

STEVEN R. CALDER
ANDREW W. COLLINS
NATHAN C. CURRY
WILLIE J. HARRIS
JAY J. HEBERT
ANNA R. JOHNSON
TIMOTHY J. MACDONALD
MICHAEL I. MAHARAJ
MICHAEL J. MATTHEWS
DETRICE D. MOSBY
ANTHONY W. PARKER
CAROLYN M. PORTEE
ENRIQUE O. RIVERA
BENJAMIN R. SALVADOR
JASON A. SCHUYLER
SHEBA L. WATERFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN A. AARDAPPEL
RICHARD R. AARON
JUSTIN P. AARONSON
MANUEL M. ACOSTA
RIAKOS L. ADAMS
TERRENCE A. ADAMS
BRIAN L. ADAMSON
MARK G. ADKINS
RICHARD W. AHWEEMARRAH
JASON E. ALBRIGHT
DANIEL C. ALDER
MICHAEL F. ALEXANDER
ANDREW S. ALLEN IV
CHRISTOPHER M. ALMAGUER
BENJAMIN ALVAREZ
LEE E. AMBROSE
TYLER K. ANDERSEN
SAMFORD D. ANDERSON
BRIAN C. ANGELL
TROY ANGELL
DANTE A. ANTONELLI
CURTIS M. ARMSTRONG
MATTHEW R. ARROL
SHANNON P. ASERON
MICHAEL C. ATHANASAKIS
JACOB A. ATKINS
JASON W. ATKINSON
MARC J. AUSTIN
DARBY L. AVILES
MATTHEW P. BACHMANN
JOHN R. BACON
TERENCE W. BACON
HOSSEIN D. BAHAGHIGHAT
DEREK R. BAIRD
JEFFREY R. BAIRD
CHRISTINE M. BAKER
DONALD L. BAKER, JR.
JAMI L. BALL
WILLIAM F. BALL III
ALHAJI S. BANGURA
KEITH A. BARANOW
JAMES A. BARLOW
CHRISTOPHER Q. BARNETT
RYAN D. BARNETT
CHARCILLEA A. BARRETT
STEVEN B. BARRIER, JR.
KRISTOFFER R. BARRITEAU
STEVEN S. BARTLEY
ADRIAN C. BAUER
SEAN W. BAXTER
CHRIS B. BEAL
JAMES A. BEAULIEU
RALPH L. BECKI
BROOK W. BEDELL
LISA A. BELCASTRO
JOEL S. BENEFIEL
TOBIAS A. BENNETT
RYAN M. BERDINER
RICHARD E. BERRY II
ALI J. BESIK
JAY A. BESSEY
BRIAN E. BETTIS
NATHAN T. BIDDLE
PAUL T. BIGA
ACHIM M. BILLER
MATHEW J. BILLINGS
JASON D. BILLINGTON
DAMON J. BIRD
CRAIG W. BLACKWOOD
PRESTON B. BLAIR
BRIAN D. BLAKE
JUDE M. BLAKE
JONATHAN G. BLEAKLEY
JOHN T. BLEIGH
RONALD G. BLEVINS
PENNY M. BLOEDEL
SETH A. BODNAR
BRYAN M. BOGARDUS
KELLY O. BOIAN
PAUL D. BOLDUAN
DAVID M. BOLENDER
LANE A. BOMAR
VINCENT J. BONCICH
LORETO V. BORCE, JR.
JON D. BORMAN
ISSAM A. BORNALES
RYAN P. BORTNYK
JUSTIN A. BOSANKO
SHANNON M. BOSTICK
BRIAN J. BOSTON
STEPHEN E. BOURDON
WILLIAM H. BOWERS
WILLIAM G. BOYD, JR.
JONATHAN M. BRADFORD
JASON M. BRADLEY
DONALD T. BRAMAN
JOHN M. BRAUNEIS
VINCENT J. BRAY
PAUL D. BRECK
JOHN W. BRENGLE
THOMAS K. BRENTON
JESSIE J. BREWSTER
MATTHEW A. BRODERICK
ERIC A. BROOKS
FRANKLIN C. BROOKS
JASON L. BROTHERS
CHRISTOPHER J. BROWN
JASON C. BROWN
RODGERS BROWN, JR.
JAMES L. BROWNING
BOYCE R. BUCKNER
DIOSABELLE B. BUCKNER
KEVIN W. BUKOWSKI
JASON N. BULLOCK
MICHAEL R. BUNDT
THEDIUS L. BURDEN
ANDREW E. BURGESS
ANITA L. BURKE
JASON P. BURKE
RYAN T. BURKERT
MICHAEL M. BURNS
JOHN J. BURRESCIA, JR.
PHILIP A. BUSWELL
CODY P. BUTTON
JASON L. BUURSMA
VAUGHAN M. BYRUM
POHAN A. BYSTROM
RONALDO B. CABALES
ROGER M. CABINESS II
RYAN C. CAGLE
ELIZABETHANNE M. CAIN
HARTLEIGH A. CAINE
STEPHEN A. CALDERON
JAIME CALICA
ADAM S. CAMARANO
BRIAN C. CAMPBELL
WILLIAM R. CANDA III
ADAM M. CANNON
DON L. CANTERNA, JR.
MATTHEW P. CAPOBIANCO
MICHAEL H. CAPPS
SARA E. CARDENAS
EDWARD W. CARDINALE
ERIC D. CARLSON
KENT R. CARLSON, JR.
ROBERT J. CARPENA
BARRY S. CARTER
DARYL A. CARTER
JASON C. CARTER
JEANETTE A. CARTER
JOHN F. CARTER
NATALIE K. CASEY
JAY I. CASH
DANIEL L. CASTORO
TIMOTHY J. CATALANO
JACOB L. CECKA
CARLOS E. CHAPARROLOPEZ
THOMAS D. CHAPEAU
STEPHEN A. CHAVEZ
GEORGE A. CHIGI
MATTHEW W. CHILDERS
CHRIS C. CHOI
KRIS Y. CHOW
WILLIE L. CHRISTIAN, JR.
JEFFREY S. CHRISTY
JEREMY D. CLARDY
JAMES S. CLARK
MATTHEW B. CLARK
PAUL A. CLARK, JR.
EDWIN L. CLARKE
RICHARD J. CLAYTON
RAYMOND E. CLOUD
MICHAEL P. COCHRAN
ANTHONY L. COLE
JAMES F. COLLIER, JR.
AXEL E. COLONPADIN
NATHANIEL F. CONKEY
MAURICE C. CONNELLY
DAVID M. CONNER
SAMUEL J. CONNER
CASEY D. CONNORS
CHRISTOPHER J. COOK
SAMUEL P. COOK
WALTER R. COOPER III
JOHN W. COPELAND
KELLY J. COPPAGE
JASON Y. CORNETT
CHAD P. CORRIGAN
KENNETH J. COSGRIFF
AARON K. COWAN
JONATHAN A. COWEN
AARON L. COX
YANSON T. COX
THOMAS B. CRAIG
NATHANIEL T. CRAIN
KIMBERLY J. CRICHLOW
ADAM B. CRONKHITE
BENJAMIN C. CROOM
CLARA W. CROWECHAZE
CASEY R. CROWLEY
JOHN R. CRUISE
LUIS M. CRUZ, JR.
PATRICK J. CULPEPPER
KEVIN F. CUMMISKEY
LARRY W. CUNNINGHAM, JR.
SEAN W. CUNNINGHAM
GREGORY E. CURRY II
DANIEL P. CURTIN, JR.
CLAYTON D. CURTIS
DOUGLAS J. CURTIS
CHRISTOPHER A. CZERNIA
NICHOLAS K. DALL
SHAWN D. DALTON
CHRISTOPHER J. DAMATO
ANDREW D. DAMICO
CLAYTON C. DANIELS
ANTOINETTE H. DAOUD
PATRICK W. DARDIS
BRYAN J. DARILEK
MICHAEL S. DAVERSA

DONALD C. DAVIDSON
CHAD A. DAVIS
JOSHUA M. DAVIS
MARK A. DAVIS
CHRISTOPHER J. DAWSON
JASON W. DAY
JASON R. DEEL
ERIC D. DEFOREST
ROGER T. DELAHUNT
EMERY N. DELONG
BRANDEN J. DELPILAR
KIRBY R. DENNIS
TRAVIS P. DETTMER
STEVEN M. DEVITT
THURMAN S. DICKERSON III
CHRISTIAN N. DIETZ
ADAM B. DIGAUDIO
PETER DIGIORGIO
DANIEL C. DINICOLA
ERIC S. DOBER
BRYAN J. DODD
THOMAS C. DOUKAKOS
AMANDA E. DOYLE
ELIJAH A. DREHER
TIMOTHY J. DUGAN
CHRISTOPHER T. DULING
CEDRICK A. DUNHAM
RICHARD E. DUNNING
CRAIG J. DUPUY
ERIC N. DURRANT
JOHN N. DVORAK
MICHAEL G. DVORAK
JASON R. DYE
WILLIAM W. EARL
JEFFREY A. EDGINGTON
CHAD R. EDLUND
VICTOR C. EGBON
DANIEL J. EICKSTEDT
KACEY C. ELLERBROCK
MATHEW D. ELLIOTT
MELVIN F. EMORY, JR.
MICHAEL J. ENGLIS
DANIEL R. ERSKINE
DAVID E. ESCOBAR
SAMUEL A. ESCOBARPEREZ
ROBERT J. ESPINOZA
JOHN W. EVANGELISTA
ANCLE R. EVANS
DAVID H. EVANS
SCOTT D. EVELYN
DAVID FAGERGREN
DAVID M. FAJARDO
BRENDON M. FALSIONI
ANDREW G. FARINA
MICHAEL S. FARMER
NATHANIEL J. FARRIS
BRYAN R. FEESER
HECTOR FERNANDEZ
JOHN M. FERNANDEZ
ROSS D. FEUERSTEIN
MELISSA L. FIELD
BENJAMIN A. FIELDING
ANTHONY T. FINDLAY
RYAN M. FINLEY
SEAN P. FINNERTY
BRADFORD A. FISHER
THOMAS C. FISHER
JOSHUA M. FISHMAN
DAVID E. FITZPATRICK
JESSE L. FLEMING
KATHRYN P. FLEMING
PATRICK M. FLOOD
FRANKIE L. FLOWERS
MICHAEL C. FLYNN
JASON C. FOOTE
DARREN B. FOWLER
JORDAN M. FRANCIS
KENNETH W. FRANK
JOHN T. FRANZ
THOMAS D. FREILING
THOMAS D. FROHNHOEFER
DAVID A. FULTON
MICHAEL R. FUNCHES
MICHAEL M. GACHERU
ADRIAN M. GAILEY
BRENDAN R. GALLAGHER
CASEY J. GALLIGAN
ANDREW A. GALLO
MICHAEL R. GARRY
JOSHUA M. GASPARD
LISA M. GASQUE
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RYAN E. HUSTON
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FOREST A. JOHNSON
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GREGORY W. MCLEAN
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ALEC T. MCMORRIS
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WILLIAM A. MCNUTT

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MELVIN R. MEDRANO
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ELIAS D. OTOSHI
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ROBERT B. RICHARDS
WILLIAM D. RICHARDSON
WILLIAM P. RICHARDSON
JASON B. RIDDLE
WALTER O. RITTGER
CRUZ RIVERA, JR.
SANTOS RIVERA, JR.
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CHRISTOPHER O. ROBERTS
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STEPHEN P. SNYDER
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HUGH E. SOLLOM
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MICHAEL W. TILTON
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VICTOR J. TORRESFERNANDEZ
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RICHARD A. TOWNER
JAMEY L. TRIGG
BRIAN J. TRITTEN
VICTOR E. TRUJILLO II
TIMOTHY A. TRYON
GERALD D. TUCK
COLEY D. TYLER
KYLE L. UPSHAW
HOPE A. USE
JEREMY J. USSERY
DAVID A. UTHLAUT
BRIAN C. VANVALKENBURG
DARRELL F. VAUGHAN
HUMBERTO O. VENTURA
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SETH W. VIEUX
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CHRISTOPHER J. VITALE
BRIAN M. WADE
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ANDREW J. WAGNER
RUSSELL O. WAGNER
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JONATHAN D. WALKER
KEITH P. WALKER
MATTHEW A. WALKER
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STEVEN S. WALLACE
DANIEL J. WALLESTAD
CHADRICK K. WALLEY
SHAWN A. WANGERIN
KEVIN J. WARDROBE
JOSEPH L. WARNER
SEAN M. WARNER
CARL E. WARREN
JERON J. WASHINGTON
SHERMAN C. WATSON
SHANNON T. WAY
JASON R. WAYNE
DENNIS J. WEAVER
MARTIN E. WEAVER
WADE M. WEAVER
JEREMY M. WEDLAKE
ALBERT J. WEINNIG II
ADENA J. WEISER
YINON WEISS
CHRISTOPHER P. WELLMAN
DANIEL E. WELSH
CHAD M. WENDOLEK
ERIC N. WEYENBERG
AMY M. WHEELER
GRAHAM R. WHITE

REGINALD D. WHITE
JOSEPH L. WHITENER, JR.
NATHAN S. WHITFIELD
ANDREW J. WHITFORD
NATHAN A. WHITLOCK
ANDREW J. WILBRAHAM
PATRICK R. WILDE
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REGINALD E. WILLIAMS, JR.
DAVID R. WILSON
JARED P. WILSON
JEANNETTE M. WILSON
MAURICE WILSON
NATHANIEL B. WILSON
TAMMI Y. WILSON
BARRY WINNEGAN
PAUL W. WITKOWSKI
SHANNON L. WOLF
MATTHEW S. WOLFE
JOHN A. WOMACK
RICHARD S. WOOLSHLAGER
JEFFREY R. WOOTEN
MATTHEW T. WORK
LARRY G. WORKMAN
RYAN K. WORKMAN
GLEN A. WRIGHT
TIMOTHY F. WRIGHT
PAUL M. WUENSCH
TAYLOR R. YAMAKI
ALISSA A. YIKE
LUCAS J. YOHO
ALEXANDER YOUNG
DENNIE YOUNG
GENE YU
MICHAEL ZENDEJAS
CURTIS J. ZERVIC
SALVADOR M. ZUNIGA
KURT W. ZWOBODA
D070732
D070505
D070795
D071037
D071039

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LENNOL K. ABSHER
ERIC R. ADAMS
MICHAEL A. ADAMS
BENJAMIN K. AFEKU
RACHEL J. ALESSANDRO
THOMAS M. AMODEO
DEQUETTA J. ANDERSON
ELIZABETH M. ANDERSON
MICHELLE D. ANDERSON
VALERIE R. ANDREWS
JAY H. ANSON
CHARLES M. AZOTEA
RICHARD L. BAILEY
PAUL W. BALDWIN
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MATTHEW J. BARBOUR
MICHAEL A. BARKER
KURT M. BARNEY
ANTHONY L. BARRERAS
BRIAN M. BAUER
JAYNA T. BELL
CHRISTINA A. BEMBENEK
THOMAS R. BENARD
JENNIFER D. BERGER
JASON R. BIERKORTTE
CHRISTIAN C. BJORNSON
DAVID J. BLACK
TRAVIS T. BLOCK
JEREMY S. BOARDMAN
JOHN D. BOLAND
JARED V. BONDESSON
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MICHAEL V. BOUKNIGHT
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KAYSTEINE J. BRIGGS
HEIDI A. BROCKMANN
ANDREW S. BROKHOFF
ERICKA M. BROOKS
SHAWN P. BROUSSARD
RICHARD B. BUCKNER
STEPHEN A. BULTMANN
PATRICK D. BUNCH
JOSHUA M. BUNDT
JOSHUA T. BURDETT
RYAN H. BURKE
MICHAEL P. BURNS
RETT B. BURROUGHS
MICHAEL R. BUSH
JAMES D. BUSKIRK
BRIAN H. BYRD
JEFFREY A. BYRD
MARTIN CABANHERNANDEZ
JAMES D. CAHILL
BRENT R. CALLIS
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JAYSON R. CAMPBELL
DEREK J. CARLSON
VERONICA A. CARROLL
MICHAEL W. CERCHIO
ROY J. CHANDLER
HEATHER M. CHRISTENSEN
LATRICE K. CLARK
MICHAEL D. CLAYTON
BRYAN M. CLEARY
JEREMY L. CLICK
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SETH D. COLE
GEORGE H. COLEMAN
JOSE G. COLLADO
ENARDO R. COLLAZOALICEA
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RAINA M. COPOSKY
SHANE W. CORCORAN
KRISTINA J. CORNWELL
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JACOB H. COX, JR.
TRAVIS R. COX
CASEY D. COYLE
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TIMOTHY M. CULPEPPER
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JASON N. DAUGHERTY
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ROBERT G. DELEON
CHRISTOPHER M. DEMPSEY
KENT B. DENMON
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CHARLES R. DIXON
STEVEN L. DOEHLING
BERESFORD P. DOHERTY
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JOHNNY W. DOOLEY
JAMES D. DOUGLAS
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LUCAS N. FRANK
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JEFFREY D. FRANZ
TIMOTHY C. FRIEDRICH
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RONNIE E. GERONIMO
TIMOTHY M. GIBBONS
STEVEN C. GIESE
ROBERT B. GILLESPIE
RYAN D. GIST
JONATHAN A. GLENN
JAMES T. GOLBY
CHRISTOPHER A. GONZALES
LESLIE D. GORMAN
DOUGLAS M. GRAHAM
MICHAEL E. GRATER
CLAUDETTE D. GRAVES
RANDY A. GREGORY
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MICHAEL A. GRYGAR
HEATHER N. GUNTHER
DAVID L. HALL
JAMES R. HALL, JR.
BRIAN P. HALLAM
WILLIAM A. HAMILTON
ROBERT A. HAMMACK
ARNOLD V. HAMMARI
JENNIFER K. HAN
THOMAS C. HANDY
THOMAS M. HANLON
BRIAN M. HART
JEREMY D. HARTUNG
JARED B. HARTY
RACHELLE T. HATHAWAY
JOSE C. HENDERSON
MATTHEW T. HERBERT
NOEMI HERNANDEZ
ROBERTO HERNANDEZ
THOMAS W. HIGGINSON
LANCE C. HILL
JENNIFER A. HINKLE
ANTONIO A. HINOJOSA
DEAN L. HINRICHSEN
BINH T. HO
MICHAEL A. HODGIN
LARRY J. HOECHERL, JR.
JASON P. HOGAN
DEVIN M. HOLLINGSWORTH
JOHN W. HOLMES
JAMES P. HOLZGREFE
STEPHEN F. HOPKINS
DAVID T. HORD
TAWNYA W. HORTON
MICHAEL J. HOSLER
DOUGLAS B. HOUSTON
JASON C. HOWK
COLIN D. HOYSETH
MALIKAH H. HUDSON
ROBERT HUDSON
JEANNE F. HULL
BENJAMIN W. HUNG
RICHARD A. HUNTER
JENNIFER A. HURRLE
BRIAN R. HUSKEY
PAUL E. IRELAND
TIMOTHY J. IRELAND
BRADLEY J. ISLER
JASON E. ISON
TANIA L. IWASKIW
LOGAN R. JACK
JUAN E. JACKSON
JEFFREY S. JAGER
ROBERT A. JAMES
CLAUDE H. JEAN
NOAH A. JEFFERSON
MARIA E. JENSEN
HAEYONG JI
ANGELA K. JOHNSON
EUGENE L. JOLLY III
COURTNEY E. JONES
JEFFREY M. KALDAHL
BRIAN F. KAMMERER
JAMES P. KANE, JR.
JUAN C. KAPLAN
JOHN S. KASPER
CHRISTINA R. KEARNS
CARLOS L. KEITH, JR.
COURTNEY T. KENDELL
CHRISTIAN J. KENNEY
SCOTT W. KEY
ANDREW R. KICK
BRIAN S. KILGORE
JOONGYUP J. KIM
NADINE M. KING
BRADLEY J. KINSER
JILLIAN M. KLUG
STEPHEN H. KOCH
JOSEPH T. KOSEK III
AARON W. KOZAK
THAD H. KRASNESKY
JAMES R. KRETZSCHMAR
JOSEPH R. KRUPA
THOMAS LAFLASH
RODNEY D. LAMBERSON II
JOSEPH T. LATENDRESSE
WILLIAM H. LAVENDER II
JOHN C. LEE
MICHAEL P. LENART
EDWARD B. LERZ II
AMUTRA D. LEVINE
DOUGLAS L. LEWIS
LOLETA L. LEWIS
HUNG N. LIEU
SCOTT D. LINKER
RODNEY H. LIPSCOMB
CHRISTOPHER L. LISTON
CHRISTOPHER I. LOFTIS
LUCIA L. LOMBARDI
CHYLON E. LONGMOSES
HECTOR J. LOPEZ
JEFFREY B. LOVELACE
JOHN G. LUKER
DAWOOD A. LUQMAN
JAVIER MADRIGAL
NICHOLAS MAGGIO
TONY T. MAI
TAHER K. MANASTERLI
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JENNIFER S. MCFARLINMENDEL
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BARRETT A. MCNABB
MEGAN A. MCSWAIN
JASON S. MEISEL
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JOHN J. MELO
ERNIE D. MELTON
CHRISTOPHER L. MENG
PHILIP A. MESSER
JUDE T. METOYER
PAUL E. MEYER
RICARDO N. MILLAN
APRIL D. MILLER
CHRISTIAN R. MILLER
LAUREN J. MILLER
PATRICK J. MILLER
KRISTOPHER S. MITCHELL
ANDRE S. MONGE

ROSANA MONTANEZRODRIGUEZ
JAMES M. MOORE
JOEL L. MOORE
RICHARD A. MORGAN
CHRISTOPHER F. MORRELL
SEAN M. MORROW
JAMES H. MORSE, JR.
JASON D. MOULTON
AIMEE J. MOWRY
BRIAN G. MULHERN
FATAH MURAISI
KEVIN M. MURPHY
ROBERT C. MURPHY, JR.
DWAYNE A. MURRAY
JOHN K. NAKATA
JONATHAN C. NARVAES
CRAIG A. NAZARETH
ISABEL K. NAZARETH
BRAD E. NEAL
JASON I. NEEDLER
AARON M. NEWCOMER
RUBIN R. NEYPES
KENNETH C. NICKERSON
SAMUEL NIEVES
RUSSELL F. NUNLEY
KEVIN P. OCONNELL
SHERRY K. OEHLER
AMMILEE A. OLIVA
DUSTIN R. ORNATOWSKI
CYNTHIA A. ORR
JAMES F. OSBORNE
THOMAS J. PAFF
MARCELO V. PAJO
MICHAEL A. PANARO III
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CHAD M. PILLAI
HANS H. PINTO
DALE L. PITTMAN
PETER N. PLANTE
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EDWARD L. POWELL
LEIF H. PURCELL
SUKHDEV S. PUREWAL
PHILLIP RADZIKOWSKI
SIEGFRIED T. RAMIL
MATTHEW B. RAPP
ALEXANDER P. RASMUSSEN
DAVID C. REDMAN
NATHAN T. REED
THOMAS R. RENNER
LEROY REYNOLDS, JR.
MATTHEW O. REYNOLDS
JEREMY M. RIEHL
JAMES R. RIGBY
JOHN P. RINGQUIST
GARNER L. RIVARD
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SAMUEL M. ROBISON
MARIA G. ROBLES
OCASIO J. RODRIGUEZ
ADALBERTO RODRIGUEZOLIVERA
BRIAN E. ROEHL
NORKA I. ROJAS
SHANE A. ROPPOLI
MATTHEW S. ROSS
HEATHER I. ROSZKOWSKI
JOHN R. ROUSE
ROBERT RUBIANO
VICTOR H. RUIZ
BENJAMIN A. RUSCHELL
JEREMY L. RUTLEDGE
ELIZABETH A. RYSER
STEPHEN SAMS
LIZETTE SANABRIAGRAJALES
JESSE L. SANDEFER
ARPINEE SARKISIAN
NATHAN C. SAUL
CLIFTON D. SCHMITT
AARON P. SCHWAIGER
KEVIN A. SCOTT
IAN P. SEIN
BENJAMIN K. SELZER
ROBERT J. SHADOWENS
BENJAMIN J. SHAHA
STEPHEN J. SHANKLE
RICHARD N. SHEFFIELD
ELIZABETH M. SHERR
CHRISTOPHER D. SIEVERS
CHARLIE SILVA
CRAYTON E. SIMMONS
RICHARD B. SIMPSON
PETER T. SINCLAIR II
ELDRIDGE R. SINGLETON
STEPHEN T. SKELLS
JASON A. SLUTSKY
BENJAMIN M. SMITH
DIONNE M. SMITH
JOHN A. SMITH
NIKKI N. SMITH
JARED W. SNAWDER
JOHN M. SNYDER
RICHARD J. SONNENFELD
DAVID SOTOMAYOR
PATRICK L. SOULE
JOHN M. SOVA
JOEL C. SPINNEY
CHRISTOPHER M. STAUDER
CAROL M. STAUFFER
KEVIN L. STEELE
CHRISTOPHER N. STELLE
JOSHUA N. STEPHENSON
MICHAEL K. STINCHFIELD
ANDREW S. STLAURENT
POVILAS J. STRAZDAS
OLIVER D. STREET
SHAWN STROOP
TISSA L. STROUSE
SCOTT E. STURTEVANT
DANIEL P. SUKMAN
PATRICK K. SULLIVAN
JERMAINE L. SUTTON
KATINA S. SUTTON
ANDREW D. SWEDBERG
ANDREW D. SWEDLOW
ROBERT L. TABER
BRENDAN S. TAYLOR
JOSHUA A. TAYLOR
KOLLIN L. TAYLOR
SEAN R. TAYLOR
BILL M. TERRY, JR.
BENJAMIN R. THOMAS
THAD M. THOME
BRANDON S. THOMPSON
SCOTT D. THOMPSON
MANDIE A. TIJERINA
JOHN D. TINCHER
AKEMI A. TORBERT
EDWIND TORRESROSADO
MARK E. TOWNSEND
ROBERT L. TRENT
JAMES E. TRIMBLE, JR.
JASON G. TULLIUS
JOHN E. TURNER, JR.
NALONIE J. TYRRELL
JAMES R. ULL
NICOLE E. USSERY
NATALIE E. VANATTA
ELLIE M. VANCE
GABRIEL V. VARGAS
TREVOR E. VOECKS
JANEL D. VOTH
KAIWAN T. WALKER
NEIL R. WALKER
TIMOTHY J. WALKER
DANIEL S. WALL
JONATHAN B. WARR
JEFFREY L. WASHINGTON
LEE L. WASHINGTON
TERRI N. WEBB
DAVID B. WEBER
HANS J. WEBER
SEAN D. WEEKS
DAVID I. WEST
ADAM H. WHITE
PAUL R. WHITE, JR.
CARLA K. WHITLOCK
TODD D. WICKARD
JASON E. WILLIAMS
LINCOLN F. WILLIAMS
MICHAEL M. WINN
ALVIN WORD IV
STEPHEN F. WRIGHT
STEVEN P. WRIGHT
D060503
D070118
D070674
D070170
D070215
D060680
D060808
D070424
D070788
D060301
X1312
X1242
X1381

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ALLEN D. ACOSTA
MICHELLE M. AGPALZA
CHRISTOPHER R. AKER
MATTHEW H. ALEXANDER
JAMES J. ALLISON
ANGEL A. ALVARADO
DOMINIC L. AMANTIAD
CHRISTOPHER J. ANDERSON
ERIC W. ANDERSON
JOEL B. ANDERSON
REGINALD J. ANDERSON
SEVERT A. ANDERSON IV
PATRICK I. ANDING
JAMES M. ANTHONY
JOSEPH A. ANTHONY
SCOTT C. APLING
CORY D. ARMSTEAD
THERESA L. ARMSTRONG
CHARLES L. ARNOLD
CLARENCE L. ARRINGTON
BRYAN A. ASH
BRANDON J. BAER
CHRISTOPHER R. BAILEY
KATRESHA M. BAILEY
MICHAEL L. BAILEY
SCOTT A. BAILEY
CHRISTOPHER W. BAKER
ROBERT J. BAKER
JASON A. BALLARD
CARL E. BALLINGER
THOMAS BANTAN, JR.
MICHELE A. BARKSDALE
ROBERT J. BARTRUFF, JR.
MARIWIN O. BASCO
DANIEL B. BATEMAN
JOSHUA J. BAXTER
TARA D. BECK
ELIZABETH S. BELLINGER
JONATHAN S. BENDER
FRANK A. BENITES
DAVID J. BENJAMIN III
MICHAEL W. BERK
ADAM C. BERLEW
EDWIN BERRIOS
DENNIS R. BERRY
ROBERTO A. BETTER
JASON H. BIEL
BOYD R. BINGHAM
DUSTIN G. BISHOP
MATTHEW J. BISSWURM
CHAD J. BLACKETER
MATTHEW M. BLACKWELDER
PAUL V. BLEVINS
JONATHAN A. BODENHAMER
MARCO A. BONGIOANNI
ALFRED S. BOONE
TIMOTHY J. BOTSET
JULIUS L. BOYD II
ANDREW S. BRANDON
JAMES V. BRANNAM
TODD BRAUCKMILLER
TIGE M. BRAUN
MICHELLE L. BRIDEGROOM
ANTWAN D. BROWN
DAVID W. BROWN
KIRK O. BROWN
JARED L. BUCHANAN
FRANKLIN J. BUKOSKI
JAMES R. BURKES
DEVIN D. BURNS
TARA A. BURNS
RONALD S. BURNSIDE
GREGORY A. BUTLER
SAMUETTA L. BUTLER
CHRISTOPHER C. BYNES
FAY C. CAMERON
FRANK M. CAMPANA
MARK S. CAMPBELL
ZAKEIBA CAMPBELL
CHRISTOPHER L. CAMPHOR
ERIC M. CANADAY
WILLIAM H. CARROLL
STEPHANIE A. CARTER
SHEILA Y. CASIANO
CHRISTOPHER L. CENTER
ANTHONY F. CERELLA
MARCOS A. CERVANTES
THOMAS W. CHANDLER III
CHRISTOPHER G. CHAPMAN
DOMINIQUE R. CHATTERS
FREDDY D. CHICAIZA
GEORGE W. CHILDS III
TRENT L. CHRISTIAN
BATINA B. CHURCH
VICTOR J. CINTRONVELEZ
NATASHA S. CLARKE
JOHN D. CLEMONS
TORRANCE G. CLEVELAND
CATRINA J. COLE
JASON A. COLE
JAMES I. COLLAZO
BRANTLEY J. COMBS
LINDSEY F. CONDRY
BRENT E. CONNER
NICHOLE L. CONSIGLIO
LAKICIA R. COOKE
JOHN E. COOPER
MARK R. CORN
BRIAN D. COSTA
SEALS T. COVINGTON
MATTHEW D. COX
TRESA A. CRADDOLPH
THOMAS U. CRARY III
JEFF CRAWFORD
JAMES E. CREWS II
BOBBY W. CROCKER
JAMES L. CROCKER
RONNIE C. CROSBY
MALENM CRUZSEGARRA
JOHN M. CULLEN, JR.
CLIVE A. CUMMINGS
JENNIFER L. CUMMINGS
DAMIAN R. CUNNINGHAM
WADE R. CUNNINGHAM
MICHAEL J. CUPP
JAMES S. CUSTIS, JR.
SHERMOAN L. DAIYAAN
CRAIG A. DANIEL
GREGORY S. DARLING
KYLE D. DAVIDSON
JILL S. DAVIS
MICHAEL A. DAVIS
REGINALD L. DAVIS
LARRY R. DEAN
JUSTIN L. DEARMOND
MICHAEL A. DELAUGHTER
ERICH O. DELAVEGA
MICHAEL S. DELBORRELL
EDWARD T. DELNERO
JONATHAN L. DELOACH
FABIENNE DENNERY
JAMAL C. DESAUSSURE
JAMIE L. DEVUYST
JOHN D. DIGGS
HOWARD R. DONALDSON
AMY E. DOWNING
RODLIN D. DOYLE

STEVEN M. DUBUC
NELSON E. DUCKSON
WALTER H. DUNN III
TIMOTHY P. DUNNIGAN
BONNY C. DYLEWSKI
CHARLES D. ECKSTROM
JASON A. ELBERG
ROBERT W. ELLIS
JACQUELINE S. ESCOBAR
GILBERTO ESCOBEDO
JESUS M. ESTRADA
RAY L. FAILS, JR.
BRIAN M. FALCASANTOS
CLAXTON T. FALLEN
PATRICK D. FARRELL
DALE A. FATER
SCOTT W. FAWCETT
MARIAN W. FEIST
ANGEL S. FIGUEROA
WILFREDO FIGUEROA, JR.
DANIEL A. FISHBACK
RONALD H. FITCH
DENNIS A. FITZGERALD
CARLITO O. FLORES
KAREN E. FLUCK
TRAVIS S. FOLEY
JOHN A. FORSYTH
COLETTE N. FOSTER
PENNIE M. FOY
SCOTT A. FRANCIS
TAMMY L. FRANCISCO
CRAIG E. FRANK
JASON T. FUOCO
ERIC M. GADDIS
CLARK M. GALLETTA
RYAN B. GALLION
DEANDRE L. GARNER
TREVOR L. GARRETT
CHRISTOPHER J. GARVIN
NORMAN K. GARVIN
JAMES E. GEE
JOSHUA S. GINN
JOEL P. GLEASON
ABIGAIL R. GLOVER
DAVID L. GODFREY, JR.
JOHN R. GOLDSWORTHY
ROBERTO GOMEZ
MELISSA N. GONTZ
ALEXANDER J. GONZALES
JEFF E. GORNOWICZ
JEREMY C. GOTTSHALL
THOMAS E. GOYETTE
JACOB GRABIA
ANGEL M. GRAULAU
ROCHESTER GREEN II
WILLIAM J. GREGORY
ADAM W. GREIN
WILLIAM J. GRIFFIN
JEREMY A. GROOVER
ROSE A. GUERRERO
DAVID G. GUIDA
CHRISTOPHER M. GUILLORY
DION HALL
CHRISTOPHER P. HAMMAN
THOR K. HANSON
MEREDITH R. HARRIS
MICHAEL J. HARRIS
TRAVIS HARRIS
HEATH R. HAWKES
THOMAS J. HEILMAN
CYNTHIA P. HENDERSON
JEFF L. HENDRICKS
DANIEL P. HENZIE
JON A. HERMESCH
JOSE HERNANDEZ
UCHE T. HEYWARD
TIMOTHY R. HICKMAN
TONI M. HILL
MATTHEW R. HINTZ
RACHAEL M. HOAGLAND
NORMAN B. HODGES IV
DEREK W. HOFFMAN
KENNETH A. HOISINGTON
CASEY J. HOLLER
ROY K. HORIKAWA
CHRISTOPHER M. HORTON
MARK B. HOWELL
PAUL C. HUBBARD
DAVID J. HUDAK
LAGLENDA R. HUDSON
JOEL A. HUFT
EVETTE C. HUNTER
PHILLIP H. HUNTER
SCOTT R. HUSTON
MICAH R. HUTCHINS
DOUGLAS A. INGOLD
FENICIA L. JACKSON
IRVIN W. JACKSON
THOMAS D. JAGIELSKI
DAVID L. JAMES
JOSEPH C. JAMES
ANGELINA H. JEFFERSON
ANDRE J. JOHNSON
NATHAN P. JOHNSON
SCOTT R. JOHNSON
APRIL M. JONES
BARBARA M. JONES
BRIAN K. JONES
CHRISTOPHER S. JONES
CRAIG JONES
DAVID A. JONES
LEANGELA D. JONES
MATTHEW S. JONES
RANDY F. JONES
TYNISA L. JONES
SAMUEL J. JUNGMAN
JOVEN KABRICK
JEET H. KAJI
JAMES A. KASSLER
GREGORY T. KEETON
KEVIN K. KELLER
BRATCHA J. KELLUM
DAVID A. KELLY
JENNIFER D. KEMP
PATRICK L. KENDRICK
ALI A. KHANHERNANDEZ
MATTHEW J. KIGER
ROBERT J. KILMER
GRACE H. KIM
PATRICK L. KNIGHT
JULIA M. KOBISKA
MATTHEW E. KOPP
JASON W. KULAKOWSKI
JOSEPH D. KURTZWEIL
EVERETT LACROIX
INDERA Z. LALBACHAN
CHAN D. LAM
DANIEL A. LANCASTER
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JOSEPH R. LANGLOIS II
JOHN W. LANKFORD, JR.
LARRY A. LARA
ANALISA M. LARKIN
RENANTE L. LASALA
TERRANCE R. LATSON
RONALD D. LAWSON
ANTHONY L. LEACH
MICHAEL J. LEE
MOSES J. LEE
TOR A. LENOIR
WAYNE L. LEONE
JEFFERY T. LEWIS
JOHN J. LIANG
MICHAEL P. LILES
JAMES A. LINDH II
STACY T. LIVELY
JOHN F. LOPES
CAROL E. LOWE
SHANE F. LUCKER
GAVIN O. LUHER
RANDALL A. LUMMER
BRIAN D. LUNDELL
REBEKAH S. LUST
ANDREW J. LYNCH
TOBY R. MACKALL
LUWANA L. MADISON
MICHAEL R. MAI
DEBBIE Y. MANN
RICHARD J. MARSDEN
ODALIS A. MARTE
SARAI S. MARTIN
ALINA C. MARTINEZ
PAUL A. MARTINEZ
JUAN C. MARTINEZBERNARD
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ROY W. MCDANIEL
NATHAN G. MCDOUGLE
JAMES M. MCGEE
MARLO S. MCGINNIS
JOHN W. MCGRADY
KENNETH W. MCGRAW
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GREGORY MONTGOMERY
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JOHN P. MOORE
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SABRINA D. MOORE
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JOHANNA P. MORA
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JOHN E. MORRISON
MICHAEL D. MORRISON
DAVID B. MOSER
NICHOLAS C. MOSES
KYLE A. MOULTON
DONYEILL A. MOZER
SHAWN P. MUDER
JESSICA L. MURNOCK
BARRY MURRAY
AIMEE C. MYRICK
ANNETTE L. NEAL
CHRISTOPHER M. NEAL
NEAL M. NELSON
JOHN NEMO
ROBERT W. NEWSOM IV
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PETER D. NIENHAUS
MATTHEW P. NISCHWITZ
RYAN P. NOBIS
RYAN E. OCAMPO
JEREMIAH S. OCONNOR
SANTOSHIA S. OGGS
JAMES U. OKEKE
ANGEL R. ORTIZMEDINA
MICHAEL L. OSMON
THOMAS D. PANGBORN
WILLIAM J. PARKER III
SCOTT A. PARLOW
AMITABH PARSHAD
TERRELL D. PASLEY
MELONY M. PATEARNOLD
BRIAN M. PATNODE
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TERESSA PEARSON
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FRANCISCO PENA
GERALDO A. PERALTA
FELIPE PEREZ, JR.
ROLANDO PEREZCRUZ
MILTON PEREZMATOS
NERINE M. PETE
THEODORE J. PETERS
BRIAN P. PHILLIPS
TERRY A. PHILLIPS
ADAM J. POINTS
JAMES A. POLAK
CORNELIUS J. POPE
JEREMIAH D. POPE
JOHN C. POWE
ANTONIO V. PRESSLEY
PHOEBE E. PRICE
SCOTT M. PRICE
ROSIE L. PRICEMONTGOMERY
LAKETHA D. PRIOLEAU
ROBERT A. PROCHNOW, JR.
GABRIEL W. PRYOR
SCOTT P. PUCKETT
EDGARDO A. PUENTE
CLAIRE E. PULLEN
ELIZABETH S. PURA
DAVID QUINTANA, JR.
JENNIFER L. RADER
DOUGLAS N. RALPH
STEPHEN D. RAMELLA
JONATHAN P. RAMIREZ
ROSA RAMIREZ
DANIEL O. RAMOS
MELISSA A. RAMSEY
SHERDRICK S. RANKIN
MICHAEL S. RASCO
WILLIS D. RAWLS
WILLIAM A. REKER
TIMOTHY M. RENAHAN
BAYARDO REYES
THURMAN C. REYNOLDS
WENDELL V. RHODES
CURTIS T. RHYMER
JOHN C. RIDER
JOHN V. RIOS
JASON A. RISSLER
LUIS R. RIVERA
ANGELICA M. RIVERADIAZ
PATRICK O. ROBERT
HASKELL S. ROBERTS
MAROCCO V. ROBERTS
CHRISTOPHER W. ROBERTSON
RACINE W. ROBERTSON
SEQUANA A. ROBINSON
ROBERT K. ROC
MCKEAL L. RODGERS
ERIC R. RODINO
ANDREA E. ROGERS
ANTHONY B. ROGERS
CHARLES J. ROOSA
ARTURO ROQUE
JOSEPH L. ROSZKOWSKI
ROBERT J. ROWE
WANDA A. ROWLEY
CHARLES J. ROZEK
JOHN M. RUTHS
SHAUN M. SALMON
JUAN R. SANTIAGO, JR.
ROY M. SARAVIA
SCOTT A. SCHMIDT
JASON W. SCHULTZ
SHAWN C. SCHULZE
CLARISSE SCOTT
JEFFREY J. SCOTT
SHAWN M. SEFFERNICK
TRAVIS L. SEPT
DERRICK N. SHAW
MICHAEL L. SHAW
JEFF A. SHEARIN
KEVIN P. SHILLEY
ALPHONSO SIMMONS, JR.
DONNA S. SIMS
MARNY SKINDRUD
DENNIS J. SLEVA
QUINTINA V. SMILEY
JEFFREY A. SMITH
KEVIN L. SMITH
PAUL R. SMITH
SONYA B. SMITH
WILLIAM T. SMITH
CALINA M. SNYDER
EDGARDO SOSTRE
CESAR SOTORAMOS
LAVERNE O. STANLEY
ROSHUN A. STEELE
GEORGE C. STEPHAN IV
HOSIE STEPHENS III
KYLE L. STEVENS
KELLY M. STEWART
CECIL D. STINNIE
WILLIAM D. STOGNER
RICKY T. STORM
ROSIER E. STRIMEL III

RICHARD M. STRONG
CHRISTOPHER R. STRUNK
BROOKE A. STULL
RICHARD A. STURDEVANT
COURTNEY M. SUGAI
ALFRED D. SULLIVAN III
TERRENCE J. SULLIVAN
DAVID W. SZYMKE
CHRISTINE M. TAKATS
WILLIAM C. TALBERT
JOSEPH E. TAYLOR
STACY A. TAYLOR
TYRON P. TAYLOR
REGINA I. TELLADO
GIANA W. THOMAS
JANET L. THOMAS
RYAN B. TINCH
LOREN D. TODD
KEITH D. TOLER
PAUL A. TOMCIK
MARK S. TOMLINSON
CHRISTY L. TORIBIO
EDMUND A. TORRACA
ISAAC M. TORRES
GLIDDEN J. TORRESESTELA
JACQUELINE J. TORRESHARVEY
CARITA K. TOWNS
NATHAN A. TRUSSONI
DELORIS A. TURNER
NOBLE TURNER, JR.
BRIAN A. ULLOA
JOHN F. VANN
GERALD D. VAUGHN
THOMAS A. VELAZQUEZ II
ELKE VELEZ
BRADLEY S. WAITE
COMANECI WALKER
JEFFREY I. WALKER
BRANDON K. WALLACE
LUELLA WALLACE
KEVIN J. WARD
AMANDA A. WARREN
DOUGLAS R. WARREN, JR.
JESSICA R. WASHINGTON
ANDRE D. WATSONCONNELL
THERESA G. WATT
KYLE B. WEAVER
MOLLY J. WEAVER
BRADLEY J. WEIGANDT
MARK R. WEINSCHREIDER
CHRISTOPHER E. WELD
JONATHAN G. WESTFIELD
BRETT C. WHEELER
THOMAS J. WHIPPLE
BRIAN A. WHITE
DANIEL L. WHITE
ORAL E. WHITE
OSHEA J. WHITE
MATTHEW P. WHITEMAN
KELLY B. WHITLOW
ALANA R. WHITNEY
GARY D. WHITTACRE
BARRY L. WILLIAMS
JAMAL T. WILLIAMS
LATORRIS E. WILLIAMS
TERRENCE D. WILLIAMS
THEODORE V. WILLIAMS
JERRY D. WILLIS
GORDON P. WOODINGTON
COREY D. WOODS
DELIAH M. WOODS
JAMES D. WOODS
JOHNNY A. WOODS
FRANK E. WORLEY
SCOTT F. WYATT
ANDRE M. YEE
ALICE P. YOUNG
ANDREW P. YOUNG
CHRISTINE R. YOUNGQUIST
ANDRES R. ZAMBRANA
BROCK A. ZIMMERMAN
TERRY E. ZOCH
D070118
D070136
D070886
D070920
D060270

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

STEPHEN W. PAULETTE

To be lieutenant commander

MICHAEL J. BARRETT
KONAH B. DENNY
JOEL D. DULAIGH
TALAT M. NAZIR
ALAN E. SIEGEL

CONFIRMATION

Executive nomination confirmed by the Senate, Wednesday, June 17, 2009:

DEPARTMENT OF THE INTERIOR

HILARY CHANDLER TOMPKINS, OF NEW MEXICO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 17, 2009 withdrawing from further Senate consideration the following nomination:

DONALD MICHAEL REMY, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE BENEDICT S. COHEN, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 20, 2009.