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## Senate

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

### PRAYER

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

Let us pray.

Almighty God, eternal and unchangeable, shine Your light upon our path as we work today. Lord, You have led America through troubled times in the past. Be now to our lawmakers a source of life, light, and wisdom. Give them the wisdom to follow Your light and to trust You, finding their strength in Your presence. Teach them what they should think and do, so they will not stumble along the way. Replace fear with faith in You and one another, as You remove from their lives the things that thwart the doing of Your will.

And, Lord, bless today our military men and women in harm's way. Protect them from danger and sustain their loved ones.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of H.R. 1105, the appropriations bill. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus luncheons. All the amendments are before the Senate. We have seven of them. It is expected that probably five of them will require votes. So I hope Senators would come and debate their amendments. We have a number of Democrats who are wanting to speak in opposition to the amendments.

I will be discussing a time to begin voting with the distinguished Republican leader. What we are going to do is have stacked votes, and finish the votes once we start them. I hope we can do that sometime late afternoon. I do not think there are any events going on off the Hill that would prevent us from doing that. But I will be working with Senator McCONNELL to see what we can do in arranging an appropriate time to start the votes.

### RECOGNITION OF THE MINORITY LEADER

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

### OMNIBUS APPROPRIATIONS

Mr. McCONNELL. Madam President, the bill the Senate will vote on later today represents a missed opportunity. In the midst of a serious economic downturn, the Senate had a chance to show it could impose the same kind of restraint on itself that millions of Americans are being forced to impose on themselves at the moment. The bill costs far too much for a government that should be watching every dime. If the President is looking for a first bill to veto, this is it.

The original version of the bill showed no recognition whatsoever of the current economic climate. With the stock market plunging, unemployment at a 25-year high, and millions struggling to pay their mortgages, the bill sent over from the House included an across-the-board 8-percent increase in spending over last year. That is twice the rate of inflation.

Republicans in the Senate tried to cut the bill's cost. Our ideas would have saved billions of taxpayer dollars. Unfortunately, every single effort was turned aside.

The senior Senator from Arizona proposed an amendment that would have held spending in the omnibus at last year's level. The senior Senator from Texas offered an amendment that would have cut spending on the 122 programs that were already funded in the stimulus bill—the so-called double dipping that many of us warned would take place if Congress moved the stimulus before the omnibus. Remarkably, even that was too much for some. The junior Senator from Oklahoma proposed an amendment that would have cut projects that benefited a lobbying firm under Federal investigation. That too was rejected.

These Republican ideas were sensible, commonsense ways to cut spending. Unfortunately, the majority did not like any of them. This would have been irresponsible in good economic times.

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



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At this moment, this total unwillingness to cut a single dollar from this bill is simply indefensible.

Just as troubling as the lack of restraint is a provision to literally shut down the DC Opportunity Scholarship Program which helped 1,700 students in the District of Columbia attend private schools last year at a fraction of what the city spends per pupil on public education. This program is clearly—clearly—popular among parents, since the city receives four applications for every available slot. Yet our friends on the other side will reject an amendment to preserve it.

On this issue, it is incredibly difficult to see how the majority can match their rhetoric with their actions. It should be unthinkable to terminate a program aimed at giving inner-city students the same educational opportunities that middle-class or affluent students enjoy.

Republicans tried to improve the omnibus with commonsense proposals that Americans support. The junior Senator from Arizona proposed an amendment that would have required the Secretary of State to certify that none of the funds made available for reconstruction efforts in Gaza are diverted either to Hamas or to entities controlled by Hamas. The junior Senator from South Dakota offered an amendment that prohibits the use of funds for any effort aimed at reviving the fairness doctrine, which limited free speech until its repeal more than two decades ago. Unfortunately, the majority said no.

In the midst of an economic crisis, a government has an obligation to show restraint. But as our friends turned aside every effort to trim back spending on the omnibus bill, it became clear that many in Congress still think Government operates in a different realm of reality than the rest of the country. Apparently, they do not think the Federal Government is obligated to make any of the tough decisions that millions of American families are making every single day.

Spending and borrowing at this dizzying rate is simply unacceptable. We need to be thinking about the long-term sustainability of our economy and creating jobs and opportunity for future generations. We should have started on this bill by insisting that it include some of the hard choices on spending that Americans themselves are making every single day.

I yield the floor.

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

#### OMNIBUS APPROPRIATIONS

Mr. REID. Madam President, I direct everyone's attention to today's column in the New York Times written by David Brooks. David Brooks is a Republican columnist, conservative, but basically he is saying that the Republicans are opposing everything. It does

not matter what it is, they are opposing it. And I think that is basically what we have here today with Senator McConnell. I mean, I cannot imagine how he could stand before this body, after having talked favorably of this bill in the past—and his statements have been read in the RECORD on previous occasions about how much he believed in this omnibus bill. In fact, he said—and I am paraphrasing—that there had been input by Democrats and Republicans, it had been fully vetted. But suddenly—using the David Brooks theory of Government—they are opposed to everything.

It is not helping the Republicans around this country. You have to be in favor of something. And for my friend, the senior Senator from Kentucky, to stand before this body and lament the deficits—“this spending that has to stop”—where were they during the 8 years of the red ink of George Bush? The biggest deficits in the history of this country are all held by George Bush: the unending spending on the Iraq war, not putting that in the budget in an effort to hide it from the American people—how much it cost—the tax cuts that were never big enough for the Republicans that ran us into this deep hole President Obama has inherited.

So everyone should read David Brooks. Let's have the Republicans start being in favor of something. That would be the right thing to do.

The fairness doctrine. What a ghost that does not exist. None of us wants to go back to the way it was before. It is an issue they brought up to talk about. No one wants to reestablish the fairness doctrine, Democrats or Republicans.

I know the State of Nevada is proud in determining what the education standards should be in the State of Nevada. I think we should do more in the State of Nevada. I am not happy about where our educational levels are, the spending levels in the State of Nevada. But Nevada determines that, and that is the way it is around the other 49 States, that it is a prerogative Governors have protected for many generations—that the Federal Government should stay out of local education. But when it comes to the District of Columbia, they do not count, I guess. So how would the rest of the States feel if we suddenly determined what was going to happen in those States as it related to vouchers, school choice, charter schools?

So I hope we can get these amendments out of the way and pass this legislation and go on to other things. I am sorry I had to file cloture on three nominations. I hope we do not have to take those votes because it goes in opposition to what the Republicans always told us: What right does the party in the minority have to hold up Presidential nominations or judges? We are finding that is happening. I hope we can work our way through that.

This legislation is important. It is important because it takes care of

these Government agencies that had been, over the Bush years, so underfunded, underresourced that we had—because of the 8 years of neglect—to increase spending for these Government agencies so they can do their job. I met yesterday with new Secretary of the Interior Ken Salazar. He is lamenting how the parks in our country are in such bad shape, terrible shape. The Mall out here, because the Republicans complained about the money for the Mall—there was a major feature on all public radio stations yesterday about the Mall, what terrible shape this Mall is in. It is used. It is an American landmark. But they do not want money spent on that.

When I read David Brooks this morning, I thought: Gee whiz, he has an understanding of what is wrong with the Republican Party. And no one more than a Republican can probably say it as strongly as he did. David Brooks—I have told him how on a number of occasions I disagree with his end line, but his reasoning is always brilliant, as it was today.

#### RESERVATION OF LEADER TIME

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

#### OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105 which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Ensign amendment No. 615, to strike the restrictions on the District of Columbia Opportunity Scholarship Program.

Kyl amendment No. 629, to provide that no funds may be used to resettle Palestinians from Gaza into the United States.

Bunning amendment No. 665, to require the Secretary of State to issue a report on investments by foreign companies in the energy sector of Iran.

Sessions amendment No. 604, to extend the pilot program for employment eligibility confirmation established in title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 for 6 years.

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

#### AMENDMENT NO. 673

Mr. CORNYN. Madam President, I ask unanimous consent to set aside any pending amendment and call up Cornyn amendment No. 673 and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 673.

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

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

The amendment is as follows:

(Purpose: To prevent collection of excessive contingency legal fees by lawyers hired to protect the public interest)

On page 366, line 24, strike "rule." and insert the following: "rule, provided that an attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section. For purposes of this paragraph, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained."

Mr. CORNYN. Madam President, I rise to offer an amendment 673 to the Omnibus appropriations bill. As a former State attorney general, I am very concerned that the current bill lets State attorneys general outsource their responsibilities on behalf of their citizens to enforce the Truth in Lending Act. This is a very important piece of legislation that was passed in 1968 to protect consumers in credit transactions by requiring clear disclosure of key terms of the lending agreement at all costs. As I said, this is an important piece of legislation. However, the current provision in the bill allows the attorney general, the elected representative of the people—the people's lawyer—to basically hire trial lawyers on a contingency fee arrangement. Thus, the litigation that might follow under this piece of legislation would benefit not just the citizens, not just the public, not just the taxpayers but trial lawyers too. I don't believe that should be the intent of Congress.

Specifically, this amendment clarifies that State attorneys general may not outsource these lawsuits to outside lawyers or expert witnesses on a contingency fee basis. As we all know, contingency fee means you get a piece of the pie if you win. This would not prohibit attorneys general from hiring lawyers on a more reasonable basis, such as a set fee or an hourly rate, but the new causes of action created by this bill could add up to significant money damages, and this money, as I indicated, should be paid to the people, not to private lawyers.

Both Democrats and Republicans have expressed some concerns about the enforcement of this Truth in Lending Act by State attorneys general. Senator DODD, the distinguished Senator from Connecticut, said that "giving such broad authority to State attorneys general would be a departure from the current regulatory regime," and he is right.

This amendment prevents the authority to enforce the Truth in Lending Act from being further disbursed by State attorneys general delegating it to trial lawyers on a contingency fee

basis. Without this amendment, it is likely that plaintiffs' lawyers will develop class action lawsuits, then go to their State attorney general proposing to pursue these cases on a contingency fee basis, perhaps reaping millions of dollars in attorneys' fees awards.

My colleagues have expressed concerns the bill would increase the number of authorized enforcers from 1 to 51. I would submit that unless this amendment is adopted, we are effectively increasing the number of authorized enforcers of this legislation from 1 to 5,100 or more.

Hiring outside counsel on a contingency fee basis, unfortunately, as we have learned through hard experience, can lead to other problems, including the appearance of corruption or outright corruption. For example, my predecessor in office, the Texas attorney general, entered into contingency fee agreements with outside lawyers in the tobacco litigation, which was then being pursued across the country. These lawyers ended up making roughly \$3 billion in attorneys fees through contingency fee provisions that my predecessor in office entered into. Unfortunately, my predecessor also falsified records in an attempt to funnel some of that money to a friend, and he paid the price. He went to the Federal penitentiary.

This is not just a problem in my State; this is a national problem as well. Last year, the Wall Street Journal reported and editorialized about the appearance of corruption in Mississippi, where the State attorney general had retained as many as 27 law firms as outside counsel to pursue at least 20 different State lawsuits over a 5-year period. In 2007 alone, the attorney general received almost \$800,000 in political contributions from those same lawyers and law firms and, thus, the appearance of conflict of interest, if not an outright conflict, was created.

This kind of conflict of interest has no place in the attorney general's job, which is to protect the legal interests of the people of his or her State. Amendment No. 673 would ensure that State attorneys general either do the work themselves in enforcing this law or hire an outside lawyer at a reasonable, competitive hourly rate or flat rate; no windfall attorneys' fees for hitting the long ball over the fence.

When Federal agencies bring suits to enforce the Truth in Lending Act, they are barred from hiring outside counsel on a contingency fee basis. All I am suggesting is that this same rule should apply to the State attorneys general who are now authorized enforcers under the law. Particularly at this time in our Nation's economic history, it should hardly be one of Congress's priorities to increase the number of lawsuits. We cannot sue our way to recovery. Unless amendment 673 is adopted, the bill would give trial lawyers a share of the public's money and will disrupt the Federal credit regulatory regime and, as I indicated a moment

ago, create dangerous incentives to corruption. I ask my colleagues to support amendment No. 673.

AMENDMENT NO. 674

Madam President, I have another amendment, Cornyn amendment No. 674, so I now ask unanimous consent to set aside temporarily my previous amendment and ask for the immediate consideration of amendment No. 674.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 674.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to implement an Executive Order relating to employee notice of rights under Federal labor laws)

At the appropriate place in title I of division F, insert the following:

SEC. \_\_\_\_\_. No funds made available under this Act shall be used to implement the Executive Order dated January 30, 2009, entitled "Notification of Employee Rights Under Federal Labor Laws" to the extent that the implementation of such order is in conflict with Executive Order 13201, dated February 17, 2001.

Mr. CORNYN. Madam President, my second and final amendment to this Omnibus appropriations bill would help protect workers' paychecks and increase transparency, something we all heard our new President speak about just a few short weeks ago—I believe about 50 days ago now—when he said he believed increased transparency would increase accountability and help restore the public's confidence in their Government. This amendment is offered in that vein.

The U.S. Supreme Court, in *Communication Workers v. Beck*, said workers could not be forced to pay dues for purposes other than collective bargaining. That means workers have the right to keep more of their money rather than support political action committees, lobbying and gifts, things they may not even agree with.

We know every dollar counts in this economy, and many workers object to scenes such as the one we saw last week in Miami. There, the AFL-CIO held a meeting at the Fontainebleau Resort, which describes itself as "the epicenter of style, fame, and glamour." Now, if workers don't want to support that kind of extravagance based on their union dues, they shouldn't have to. And, frankly, who can blame them?

The Bush administration issued an Executive order that required employers to post signs at the workplace that informed workers of these rights regarding union dues. These notices are similar to those that inform workers of

their rights regarding family and medical leave, workplace safety, equal employment opportunity, and other rights they have under the law.

Now, this chart shows what the notice says. It says:

Under Federal law, employees cannot be required to join a union or maintain membership in a union in order to retain their jobs. Under certain conditions, the law permits a union and an employer to enter into a union security agreement requiring employees to pay uniform periodic dues and initiation fees. However, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration, and grievance adjustment.

It goes on to say:

If you do not want to pay that portion of dues or fees used to support activities not related to collective bargaining, contract administration, or grievance adjustment, you are entitled to an appropriate reduction in your payment.

Meaning your payment of your union dues.

If you believe that you have been required to pay dues or fees used in part to support activities not related to collective bargaining, contract administration, or grievance adjustment, you may be entitled to a refund and to appropriate reduction in future payments. For further information concerning your rights, you may wish to contact the National Labor Relations Board, either at one of its regional offices or at the following address.

The Supreme Court has said when a worker pays their dues, they cannot be forced to financially support things they don't agree with, whether it is extravagant spending at the Fontainebleau Resort or perhaps even a political speech where a union might use those dues to help finance a campaign against a political candidate or perhaps an incumbent.

President Obama, unfortunately, has signed an Executive order that, among other things, rescinds the requirement to inform workers of their rights regarding union dues. This Executive order, contrary to what we heard a few short weeks ago, actually reduces transparency in the workplace, and it places unnecessary limits on the information available to help workers make informed decisions about their union dues.

Amendment No. 674 would prohibit Federal funds from being used to implement that part of President Obama's Executive order related to this notice to workers. It would have no other effect on the Executive order, other than to reinstate this notice to workers that you don't have to join a union; and, No. 2, if you do not join a union, you cannot be forced to finance points of view or activities you disagree with, and you can assure that your money can only be used for legitimate collective bargaining contract administration and grievance adjustment.

I urge my colleagues to support amendment No. 674.

I yield the floor and 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. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 673

Mr. PRYOR. Madam President, I rise today to speak against an amendment filed by Senator CORNYN of Texas. The amendment deals with the ability of State attorneys general to hire outside counsel for various lawsuits they may be pursuing. I wish to talk about that amendment for a few minutes and tell my colleagues how that works in the real world.

One of the things we did when I was in the State attorney general's office is we looked at several cases on which we considered hiring outside counsel because the State did not have the resources to front the costs of the litigation. We ended up not retaining any outside counsel. We did not pursue those matters. Nonetheless, the fact that we had the ability to look at that option is very important for States. It is also very important for State sovereignty. In fact, I am not convinced—I have to look at the U.S. Constitution—I am not convinced that the U.S. Congress can limit a State's ability to file a lawsuit. My sense is that the States have that authority. They can do what they want to do. They are sovereign. My guess is that this amendment may be unconstitutional. I have not yet done a thorough analysis of it, but that is my suspicion.

I say this too. One of the points my colleagues need to remember about the State AGs is that most of them—I think over 42, 43, 44 State attorneys general are just like us: they are elected by the people. There are a few appointed one way or another—by a supreme court, a legislature, a Governor. That happens State to State, but the vast majority of them are elected just as we are. They have accountability. They are responsible to the people who elected them. There is that check and balance that already exists. I am not sure about other States because I don't know how their outside counsel statutes work, but in our State, in order for us to hire outside counsel, we have to go to the legislature and get their approval, and we also have to get the Governor to sign off on it. Again, States are going to be different on point.

Again, in Arkansas, we have another check and balance beyond just that the State attorney general is elected and is accountable to the people. There is also a check and balance between the State attorney general's office and the legislature and the Governor. Everyone has an interest to make sure this is done right and done well. It works very well in our State. If we had a lot of State attorneys general here, they would

agree that it worked very well for them as well.

Another point I wish to address in the Cornyn amendment is the underlying premise of this amendment. My understanding is it is based on some language dealing with the Federal Trade Commission in the omnibus bill we are discussing today and will vote on later today. We have to recognize that the Federal Government does not always have the manpower or the attention span or the ability, for one reason or another, to go after some bad actors out there. The States do not always have that manpower, attention span, or ability either, but the fact that the States can help augment and supplement the enforcement of the Federal Trade Commission and other Federal agencies can be very good for the people of this country.

Again, we need to allow the States the flexibility to be on the team. They need to be on the team because these folks—again, most of them—are elected by their people. Most of them have some sort of consumer protection function or some sort of public safety function. Most of them have an office that is ready, willing, and able to make sure their State's citizenry is protected and taken care of sometimes when the Federal Government cannot do it or is not able to do it or is not willing to do it. The State AG enforcement can be a very important part of that protection.

With regard to the narrow issue of whether States can hire outside counsel, let me speak about that point for a moment.

When I was elected to the State attorney general's office in Arkansas in 1998—we all remember the tobacco case, the big, mammoth tobacco case. I was elected and within weeks it settled. By the time I became attorney general, sworn into office, the case was over. It was done, and we were in the enforcement phase. The case itself was behind us.

One of the first things I had to do—this literally happened on the first day I was in office—is I had to undo an outside counsel agreement my predecessor had entered into. Here, again, not only have I never entered into an outside counsel agreement as an attorney general, but I undid one my predecessor tried to enter into. That puts me in a different position than most people because I had been around this issue a lot during my years in the attorney general's office.

The other point we need to keep in mind about the tobacco case—and this is just true for how State AGs work—one of the reasons, and I would say the primary reason, that the States brought that case in the first place is because Washington failed to act. Washington failed to act. We may remember those days in the nineties. President Clinton wanted to do something with the tobacco companies. He wanted to have a global settlement of these claims. I was not around then. A lot of my colleagues were around then

and remember the details of those discussions and the bill that came through. It got bogged down in the Congress. In fact, I remember listening to the news media saying it came like a Christmas tree—everybody was adding an ornament as it went through the process. It never passed. It got burdened down, and it never passed and never got to the President's desk for his signature. So when Congress did not act, the States did.

We have seen that in other context as well. When there is a void, when there is a vacuum and the Federal Government is not out there trying to take care of an issue, whatever it may be, oftentimes the States want action. It could be the Governors, it could be the State AGs, it could be the State legislatures, but—what is the old saying about power abhors a vacuum? That is what happens in this country. Again, we need to keep the States' flexibility in bringing lawsuits if they need to do that.

The other point we need to keep in mind is that a lot of today's litigation, a lot of the litigation the States are either involved in or are looking at is very complex and very expensive. I personally believe that an outside counsel contract can make a lot of sense. Again, we looked at these contracts when I was in the attorney general's office. We never did one, but we looked at them very closely because there are cases where it is very complex, it is very expensive, and you can structure an agreement with an outside counsel. It is not a get-rich-quick scheme by the outside lawyers, by the plaintiffs' attorneys, but it really is good for public policy, and if it is done right and done well, the public interest is very much served.

I think we should look at the Cornyn amendment. With all due respect to my colleague and friend from Texas, I think we should vote against the Cornyn amendment. We should not limit the States' ability to hire outside counsel if they feel they need to. Let the States make that decision. As I mentioned before, constitutionally, I am not sure we have the authority to limit the States anyway.

In the end, the interest of our people back home would be disserved if we adopted this amendment because what we would do would be to take some of the authority, some of the ability away from the State to protect its citizenry. As this amendment is voted on—apparently later this afternoon; I don't know exactly when it will be voted on—as it is voted on, I strongly urge my colleagues to vote no on the Cornyn amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Madam President, I take the floor to give a little background, important background on the amendment I will call up later today. That Vitter amendment would do away with the system that is now in place

under the law whereby Members of Congress get automatic pay increases annually without any open debate and without any open, clear rollcall vote.

Madam President, I have to say, Americans—certainly Louisianans in my State—are frustrated about a lot that is going on in Washington and in Congress. They are frustrated about the direction of the country, about runaway spending, about bailouts, but they are also frustrated with how we in Congress often seem to do our business. They are not frustrated so much with disagreement. People can have legitimate disagreements, vast differences in points of view and philosophy and approaches to issues. What they are most frustrated about is pure partisanship for partisanship's sake, political games, and a cynical approach to doing what should be the people's business in the Halls of Congress.

Unfortunately, a lot of voters and citizens in Louisiana and across the country are going to view some of the maneuvering and some of the political strategizing over attempts to defeat my amendment in that light, and they are certainly going to consider it more of the same. What am I talking about? Well, we have a big omnibus spending bill on the floor of the Senate, and last week the majority leader took great pains to say—including from his spot on the floor several times—we are going to have an open amendment process; that the floor is open for business, it is open for amendments. He invited Members to come on down. We will consider them. We are moving forward and taking care of amendments, having votes, and getting back to the proper procedure of the Senate.

I was excited to hear that because I had an amendment I very much wanted to call up for debate and a vote. The problem is, when I tried to do that, both through staff and individually, we were blocked every step of the way. At every turn, my amendment would never be put in order. It was never allowed to be called up, and I was never allowed to get that vote on this pay raise amendment.

Thursday night, that changed, and it changed for one simple reason: The majority leader needed to cancel a vote. He needed 60 votes for cloture. He didn't have the votes, as he explained from his podium. To cancel that vote, under the rules of the Senate, he needed unanimous consent—the consent of each and every Member of this body. Well, I took the opportunity—after a week of being frustrated and blocked and hemmed in at every turn from getting a vote on my amendment—to say very simply, in a straightforward way: I will be happy to grant that unanimous consent request with regard to my role in this if—and only if—I will finally be guaranteed a vote on my amendment. The majority leader had to agree, and he did agree.

So here we are today, the following week, debating the Vitter pay raise amendment to stop pay raises on auto-

pilot. This will finally lead to a vote. But as soon as that vote was scheduled, a sort of funny thing happened. The next day the majority leader introduced his own bill, coauthored by the entire Democratic leadership, which would do the same thing. Now, if I thought I had gained that many enthusiastic converts to the cause, I would be excited. But even though I was born at night, I wasn't born last night. I know—and every observer to the process knows—something else is going on. The something else is simple: The majority leader filed his own bill regarding automatic pay raises simply to be able to point to it and say: I am offering this bill, we can push this forward through this vehicle, and therefore you must vote against the Vitter amendment to the omnibus spending bill.

Again, I think the American people are going to be frustrated by the maneuvering and the cynical political games. I think they want a full, straightforward open debate. I think they want to hear where people are coming from. If folks support this idea of changing and doing away with automatic pay raises—pay raises on autopilot and no debate, no votes, they just happen every year—then I think they are going to want to see those Members vote for the Vitter amendment on the floor of this body today.

Quite frankly, I think it is a cynical maneuver to point to a bill that will never pass, that is controlled by individuals who don't want the measure to pass, in order to defeat an amendment that can pass and that can be the vehicle for this important change and reform. So I would encourage all Members to support the Vitter amendment, to support the idea in the form in which it can actually be passed into law.

This is a must-pass bill. This is an appropriations bill—something to fund this part of the Government. Something has to pass within the next several days. In this bill—in the original version of this bill—the pay raise issue is already there. It is a perfectly germane and natural amendment to the bill and agrees with my provision to do away with automatic pay raises. Nothing could be more natural than to debate the issue on this bill, to offer this amendment on this bill, and it is the legitimate and appropriate and effective way if we actually do want to pass this into law.

The way to never pass it into law is to have a stand-alone straw man; to point to a separate bill that will never be passed, certainly in the House.

Now, I expect what will happen is, the majority leader will not only point to this stand-alone bill, but he will actually ask unanimous consent that it be passed through the Senate and sent down the road to the House in the process. Well, that would be very promising if there was any hope whatsoever that the Speaker of the House and the House leadership would take up the matter and put it on the House floor.

So I would ask the majority leader and the Speaker of the House if they have had those discussions. Is there a commitment to putting any stand-alone bill passed through the Senate on the House floor for a vote in the very near future?

If there is that commitment, I would love to hear that expressed publicly, clearly, and in a straightforward way, and then that would rebut my argument that this is all a cynical, political game. I am afraid we are not going to hear those assurances. We are not going to hear that public commitment because I am afraid what is swirling around my amendment is a cynical political game. Let us treat the people's business the way it should be treated. Let us come to the floor, let us express our opinions. If we have legitimate differences of opinion, let us express them and let us debate them. But let us do it in that straightforward way and then let us have a vote on the Vitter amendment—the amendment that would do away with automatic pay raises—which is the true effective way to pass this reform into law on a must-pass appropriations bill.

I urge all my colleagues to come to the floor in that spirit. I urge all my colleagues to express themselves and wherever they are coming from in that straightforward way, in that straightforward spirit and not to drop in stand-alone bills the day after I was finally able to secure a vote on this matter, particularly when this proposal—thanks to my good friend, Senator RUSS FEINGOLD—has been around at least since the year 2000, 9 years. Neither the majority leader nor any of his Democratic leadership who are cosponsors to his brand new bill have ever reached out to Senator FEINGOLD to express support and join him in supporting his bill, which, as I say, has been around since the year 2000.

I am now happy to yield to the distinguished Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

AMENDMENT NO. 604

Mr. GRASSLEY. Madam President, I rise to speak on another amendment. I spoke on Senator VITTER's amendment yesterday, and I spoke in support of it. I will now speak on the Sessions amendment.

I rise in support of the Sessions amendment to extend the E-Verify Program for a period of 5 years. The E-Verify Program is an effective Web-based tool that provides employers with a process for the purpose of verifying the Social Security numbers and, at the same time, for the main purpose of determining the legal status of newly hired employees.

As my colleagues know, it is unlawful for employers to knowingly hire or employ aliens not eligible to work in the United States. Under current law, if the documents provided by an employee reasonably appear on their face to be genuine, then the employer has met the obligation to review the work-

er's documents. Unfortunately, counterfeit documents and stolen identities have made a mockery of this law. But with the E-Verify Program, employers can electronically verify a new hire's employment authorization through the Social Security Administration and, if necessary, follow it up with the Department of Homeland Security databases.

E-Verify has been an extremely successful program for employers who are seeking to comply with the law. The program is voluntary and free for all employers. Right now, over 100,000 employers have signed up for the program, and, in addition, each week more than 2,000 employers sign up. E-Verify has a proven track record—more than 5 million queries by employers were made last year and, of those, 96.1 percent were verified automatically.

The small percentage of applicants who receive a tentative nonconfirmation must sort out their records with the Social Security Administration. I would think if the Social Security Administration has bad information about you, you would want to clear that up for sure anyway. Many times this is a simple misunderstanding with the Social Security Administration or a case in which records were not updated. In the event a person receives a tentative nonconfirmation after his employment application, that person can still continue to work and cannot be fired.

The Sessions amendment would extend the E-Verify Program for 5 more years. Now, frankly, I would like to see more reforms to the E-Verify Program. For example, I would like to make E-Verify mandatory for all businesses. I would like employers to check all their employees through E-Verify, not just new hires. I would also like to see the program made a permanent provision in our immigration laws. But for now, I am happy to support this first baby step in extending E-Verify for 5 years.

There is a bottom line to everything we do around here, and the bottom line is that this amendment is a jobs amendment. Our economy is on the skids. Americans are losing their jobs. The E-Verify Program will help stimulate the economy by preserving jobs for a legal workforce. It will help root out illegal workers who are taking jobs from Americans. We need the E-Verify Program to encourage employers to use the system to prevent them from hiring foreign labor that has come here illegally.

I wish to make clear this has nothing to do with whether we have people coming to this country. It has nothing to do with whether we have people coming to this country to work. It only has to do with laws being followed—following the rule of law—to make sure people are working here legally and are conforming with our laws. That is all this is about, and E-Verify is a process—not mandatory, but a process to help people who are employers to verify whether the people who apply

for the jobs are here legally and are registered with our Social Security system in a legal way.

I urge my colleagues, then, to support the Sessions amendment. Of course I appreciate very much the leadership of Senator SESSIONS in this E-Verify Program extension for 5 years, which is what the amendment calls for.

I yield the floor and I don't see anybody yet ready to speak so I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 621

Mr. GRASSLEY. Madam President, for Senator VITTER, I ask his amendment be called up. It is amendment No. 621.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY), for Mr. VITTER, for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. ENSIGN, proposes an amendment numbered 621.

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

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

The amendment is as follows:

(Purpose: To repeal the provision of law that provides automatic pay adjustments for Members of Congress)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . **ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.**

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Madam President, I rise today to speak a little bit about where we are in our economic situation in



this country and specifically as it is affected by the President's budget as he has brought it forward. I want to begin by acknowledging my respect and appreciation for what this administration has tried to do in the area of stabilizing the financial industry of this country. They, in conjunction with the Chairman of the Federal Reserve, Treasury Secretary Geithner, and Larry Summers, the Special Adviser to the President, along, obviously, with the input of Chairman Volcker, have put together a very comprehensive effort to try to use the strengths of the Federal Reserve and the Federal Government to basically inject liquidity into the system and put stability into the financial system of the country.

There has been a tremendous amount of commentary on this and much of it has reflected a lack of confidence in the initiatives that have been brought forward by this administration because, in many instances, they have not been as specific as they might have been. But the general thrust of what the administration has done in this area has been positive and I believe we are starting to see it work. The initial TARP dollars, which were put in by the prior administration, did stabilize the banking industry during a critical time. That has been followed on with additional TARP dollars from this administration, followed on by the initiatives from the Fed in the area of TALF, which basically is potentially over \$1 trillion of support for new loans in the area of consumer credit and maybe commercial real estate; trying to do something in the mortgage area—initiatives have begun there using the FDIC and also the Treasury and the Fed again; in the area of basically underwriting the stability of major banking systems in the country, significant efforts have been made; and we are now hearing there is going to be an additional effort made to take toxic loans off the balance sheets of the banks using the leverage from the private sector.

All this has been, in my opinion, the right way to go. I didn't support the stimulus package because I thought it was unfocused and I did not think the dollars were used as effectively as they might. I wanted to see the dollars in the real estate area. But as a very practical statement, on balance the efforts of this administration to try to stabilize the financial industry, because stabilizing the financial industry is critical to getting the economy going, have been positive in my opinion. There is still a long way to go and there are more specifics that need to come and I guess more of that is going to come this week.

But that initiative to try to get this economy going and try to address the issue of people's concerns about their jobs and the value of their homes and their ability to live their lives in a constructive way in the face of severe financial distress which is being caused by this recession, stands in juxtaposi-

tion to this budget they have sent up. It is as if they have a ying and yang personality down there at the White House because they sent us up a whole group of ideas in the area of stabilizing the financial industries and trying to get the economy going with their stimulus package, the purpose of which is to lift the economy using the Federal Government.

Then they sent us up a budget which essentially creates a massive expansion in spending, a massive expansion in taxation, a massive expansion in borrowing, not only in the short run when you might be able to justify more spending, when you can justify more spending and borrowing, but as far as the eye can see with the practical effect of having a dampening effect, throwing a wet blanket on top of this country's productivity capabilities and this country's ability to be moving forward as an entrepreneurial society.

Look at the budget in specifics. The budget, in the short run, spikes the deficit dramatically. I am not going to argue with that. That may be necessary—maybe not at the levels they are doing it, but it may be necessary. It is necessary in order to put liquidity into the market, put liquidity into the American economy.

But then it continues to expand the size of Government; 28 percent of GDP will be the size of the Government this year. That is massive compared to our historical size of the Government as part of the GDP. That has got to come down. It does come down, but it does not come down all that much. By the fifth, sixth, seventh year, we still have Government spending that is 22, 23 percent of GDP. We have a deficit in the fifth year that is 3 to 4 percent of GDP.

The debt of the Federal Government, the public debt, is doubled in 5 years under this budget. It is tripled in 10 years under this budget. Taxes are increased by \$1.4 trillion under this budget, \$1.4 trillion. What are those taxes used for? Not to reduce the deficit but to expand the size of the Government even further.

Health care is essentially put on a track toward nationalization. Educational loans are nationalized. Discretionary spending goes up by almost three-quarters of a trillion dollars. And there is absolutely no restraint in any accounts of any significance on the spending side of the ledger in this budget. So that by the time we get to the fourth and fifth year of this budget, rather than seeing the numbers come down to something that is manageable for our society, rather than seeing the debt-to-GDP ratio come down to what might be a manageable number, it remains at a very high level, 67 percent.

Historically, debt to GDP in this country has been about 40 percent. Those are numbers. What do they mean? Well, essentially, instead of having a traditionally strong industrialized society, where your debt is manageable at 40 percent of your GDP, you are heading toward a banana republic

society or country where your GDP-to-debt ratio is up around 70 percent. You cannot sustain that. Yet this budget presumes we are going to have a debt-to-GDP ratio of the banana republic type as far as the eye can see.

And the deficit? It is claimed that it is cut in half. Well, if you increase the deficit four times, and then you cut it in half, you do not gain very much. That is like taking four steps backward and only two steps forward. The practical effect of that is that we still end up with a deficit 4 or 5 years out, well after we are past this recessionary period, hopefully. I am sure we will be past it by then because we are a resilient nation. A deficit which is still way above the historical norm for this country, a \$712 billion deficit is projected by the year 2019 under this budget, 3 to 4 percent of GDP. That is not sustainable. What is the practical effect of this?

Well, the practical effect is that we give our kids a country they cannot afford. We put on them a debt burden which basically stymies their ability to succeed and prosper.

In addition to this, you have got to look at the policies underlying this budget. What are the policies that are driving this massive expansion of Government in this massive expansion of debt? Well, they are basically policies which say, we are going to take the Government and we are going to explode its role relative to the private sector activities.

There is a proposal in this budget, as I mentioned earlier, to nationalize the student loan program. That is certainly an unnecessary act. We had a very vibrant private sector student loan program and a vibrant public sector student loan program. There is no reason we cannot have both. That is no longer acceptable. We are going to nationalize the student loan program.

There is a \$636 billion place holder in this budget for the expansion of health care. They say it is a downpayment. Well, if it is a downpayment, we are talking about health care expenditures exceeding \$1 trillion under this budget, growth in health care costs. Well, health care already absorbs 17 percent of the gross national product. That is about 5 percent higher than any other industrialized nation. It is not that we do not put enough money in our health care system, it is that we do not use it very well. And to increase the dollars going into health care by those numbers means what you are proposing is essentially for the Government to take over the entire health care system at some point in the future—another great expansion in the size of Government.

Then you have got this expansion on the discretionary side of the account. Every discretionary program expanding, except for defense, where they play a gimmick for the purposes of claiming budgetary savings that do not even exist on spending that will not occur.

So the goal of this budget is not to contain or to slow the rate of growth of

Government in the outyears after we are past this recession, it is rather to explode the size of Government as we move out of this recession, and put in place a government that continues to grow at a rate which the economy cannot afford and which obviously our children cannot afford.

How is this paid for, this dramatic expansion of Government? Well, most of it is borrowed, borrowed money. But some of it comes out of taxes. There are major new taxes proposed. We have all heard about the taxes on the wealthy. Let me point out that essentially what is being proposed here is that if you make more than \$250,000, your income is going to be nationalized. Well, there are a lot of wealthy people who make more than \$250,000, but there are also a lot of small businesses in this country that make \$250,000.

That is where jobs come from in this country—the person running the local restaurant, the person running the local garage, the person who started a software company, the person who has initiated a new product, a new catalog product, maybe, selling something. All of these are small businesses, and they are across this Nation, and they are what create jobs. When you say to those folks, well, we are going to tax away whatever you make above a certain amount, \$250,000, you are saying to them they do not have the assets to reinvest in their small businesses. You are basically going to create a huge disincentive. This creates a huge disincentive for small businesses to expand and for people to be added, for employees to be added to their businesses. It throws a wet blanket on the expansion of small business.

There is another tax in here that is not talked about too much. They call it a carbon tax. This is a massive new tax on everybody's electric bill. If you described it fairly, it should be described as a national sales tax on electricity. If you use electricity for anything, something in your home, if you use energy basically for anything—and almost every American does; I cannot think of anyone who does not—you are going to find yourself hit with a new tax, this carbon tax, this national sales tax on energy.

And what does it amount to? It is not a small sum. It is scored in this budget. It is understated in this budget. It is scored at, I think, \$70 billion a year or something like that. That is still a lot of money, by the way. But it is understated. According to the MIT study and according to the numbers which were being used last year when this was being discussed, the actual number is closer to \$300 billion, \$300 billion in a brandnew tax burden on the American consumer.

And what is this tax used for? Well, it is used, in large part, for walking-around money for various constituencies who have an interest in getting money from the Federal Government. It is not used to contain the Federal

Government or to reduce its size by reducing the deficit. A large percentage of these tax revenues are going to be added to various initiatives around here which are the projects of Members—worthwhile, I am sure.

But it is pretty hard to justify hitting Americans with a brandnew national sales tax on their energy bills for the purposes of expanding this Government, which is already too large to begin with. And, remember, none of this expansion in the Government taxes takes into account the huge costs which we have coming at us which we do not know how we are going to handle. Those are the costs of the retirement of the baby boom generation, for as this baby boom generation continues to retire—it has begun retiring now—it is going to generate massive costs on our Government.

We know we have \$60 trillion of unfunded liability to pay for Medicare, Social Security, and Medicaid for the baby boom generation as it retires. And why is that? Why are there all of those trillions of dollars? Why is all of that money out there and obligated?

Because we have created a massive cost, and we have the largest generation in America retiring that is going to push that cost onto our children. We go from 35 million retired people to 70 million retired people, and most of that is going to occur by the end of this administration's term in office should the President be reelected.

So you would think that in this budget they would have said, well, we better start addressing that issue. We better start disciplining ourselves relative to how we are going to handle this massive increase in spending, which we know is coming at us—I call it a fiscal tsunami—as a result of the baby boom generation retiring. But, no, not one word in this budget about containing or slowing down or in any way addressing the issue of entitlement spending as a result of retirement of the baby boom generation.

The practical effect is there is an elephant in the room that we know we are going to have to address relative to cost that is not addressed, but at the same time the budget radically expands the size of Government, using resources that might have been used to address entitlement reform.

It is a budget which, if you look at it, essentially says to the productive and entrepreneurial side of our Nation: We are going to tax you. We are going to regulate you. And we are going to create an atmosphere where we are going to crowd out your ability to borrow money because the Federal Government is going to borrow so much money.

It is simply an attack on the entrepreneurial elements of our society, the people, the small business people who go out there and create jobs. That is why I said there is a conundrum here. On the one side this Government is proposing all sorts of initiatives, which I agree with, to try to float the econ-

omy using the liquidity of the Federal Government in a lot of different areas but primarily focused on getting stability back into our financial system and helping people who have mortgages that they cannot pay.

But, on the other side, you have this budget sent up here which is a clear and present attack essentially on the productive side of our ledger as a nation, while it expands radically the size of Government. So you can understand why the stock market and others are saying, whoa, what is happening here? Who am I to believe, the part of the administration which says we are going to try to get this economy going or the part of this administration that says, once we get it going, we are going to stuff it down with a major new tax burden and a dramatic expansion in Government?

So much more could have been accomplished in this budget than what has been proposed. If it had come forward with any reasonable ideas in the area of disciplining and managing the entitlement accounts, there would have been strong bipartisan support for that. But none were put on the table.

The opportunity to move forward in the area of Social Security was not taken. The opportunity to do something significant in the area of Medicare was certainly not taken in this budget, and the practical effect of that is, that if you are looking at this budget, and you are an investor from somewhere around the world buying American bonds—and, remember, most of our debt today is being bought by people outside the United States. They are basically funding our capacity as a nation to function—you are going to look at this budget and you are going to say, do I have confidence that the bonds I am buying are going to have the value that I am putting into them 5 or 10 years from now?

If I look at this budget, I am going to conclude that the American Government is not going to discipline itself, that it is going to continue to run a debt-to-GDP ratio that is not sustainable, and that, therefore, it is very likely that maybe my debt that I am buying from the United States, the Treasury bonds I am buying, are not going to be the value I am paying for them.

This budget not only stifles the entrepreneurial spirit of America in the outyears—and people looking 4 or 5 years down the road are not thinking that far now, but in October, this budget repeals many of the tax initiatives which create entrepreneurship and tax people at a heavier rate; it starts pretty soon here—at the same time it is putting at risk the value of our currency and the value of our debt. It is saying to the world: We are not going to discipline ourselves in the outyears.

When we raise taxes, which this administration is proposing—and that is what they said they would do—one presumes they would do what President Clinton did when he raised taxes. He



used it to try to reduce the deficit. With the help of a Republican Congress, which limited spending, we were able to accomplish that. This budget does not accomplish that. This budget takes \$1.4 trillion in new taxes and spends it on a massive expansion of the Federal Government in the area of health care and the way we finance student loans, all the different initiatives basically expanding Government's role.

The practical effect of that will be to weaken the dollar, our currency, and to cause people to question the value of our debt. That is serious. That is very serious for us as a nation.

I agree with those who say the market is confused by this administration. It is confused because, on one hand the administration is pursuing what is a necessary policy to get liquidity into the market and stabilize the financial industry, stabilize the housing industry, but, on the other hand, it has put forward a budget which is probably the largest expansion of Government in the history of the country or the largest proposed expansion of Government in the history of the country, unpaid for and, therefore, threatening the future of our children with debt they can't possibly afford.

As we move forward in this effort, I suggest a better course of action would be for this administration to come forward with some fiscal discipline. Why don't they propose some specific ideas which will address the impending fiscal tsunami? There are bipartisan initiatives in the Senate to do so. Senator CONRAD and I have proposed a procedure which would allow us to put in place a process which would lead to policy, which would lead to a vote, which would actually limit and make affordable a large percentage of the outyear cost of entitlement programs as we try to fund the retirement of the baby boom generation.

Take us up on that offer. It has very significant bipartisan support. Why not take up an initiative in the area of trying to get the deficit and the debt back to the prerecession period? When we went into the recession, the debt was 40 percent of GDP. The deficit was down to about 1.5 percent of GDP. Let's get back to those numbers. If we are going to raise revenues, let's use them to reduce the deficit, not to expand the size of Government.

These are initiatives that would get a lot of Republican support, certainly on the first point. There might even be some support on the second idea of getting the deficit down. I would certainly support lowering the debt. But the proposal as put forward now is confusing. Not only is it confusing, but if it were actually put in place, it would put our country in a very serious situation as our children try to lead their lives and move forward in a nation which gives them an opportunity for prosperity.

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

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

AMENDMENT NO. 629 WITHDRAWN

Mr. KYL. Madam President, yesterday I spoke to my pending amendment No. 629, an amendment that would have required an assurance that none of the funds in the underlying legislation would be used to resettle Gazans in the United States. There had been a flurry of news stories suggesting that an Executive order by the President might have that result.

In contacting the State Department, we have been assured that is not the case. As a result, I ask unanimous consent to withdraw the amendment and to have printed in the RECORD a letter from the U.S. Department of State, Michael Polt, Acting Assistant Secretary, addressed to me, dated March 9.

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

U.S. DEPARTMENT OF STATE,  
Washington, DC, March 9, 2009.

Hon. JON KYL,  
U.S. Senate.

DEAR SENATOR KYL: Thank you for your inquiry regarding Presidential Determination No. 2009-15, signed on January 27, 2009, which approved a \$20.3 million drawdown from the Emergency Refugee and Migration Assistance Fund (ERMA) to assist Palestinian refugees and conflict victims in Gaza. These funds will be used to provide humanitarian assistance to Palestinian refugees and conflict victims in Gaza. None of these funds will be used to resettle Gazans in the United States.

We appreciate your inquiry regarding this U.S. humanitarian program. If we can be of further assistance on this or any other issue, please do not hesitate to contact us.

Sincerely,

MICHAEL C. POLT,  
Acting Assistant Secretary,  
Legislative Affairs.

Mr. KYL. Madam President, I will read the two specific sentences from the letter that cleared up this matter. The letter says:

These funds will be used to provide humanitarian assistance to Palestinian refugees and conflict victims in Gaza. None of these funds will be used to resettle Gazans in the United States.

As a result of that assurance, the amendment is not necessary, and that is one less vote my colleagues have to take this afternoon.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 615

Mr. ENSIGN. Madam President, I wish to talk about my amendment dealing with the DC Opportunity

Scholarship Program. Unfortunately, if the current bill should pass, this program will end. There is specific language in the bill that says unless this program is reauthorized and the DC City Council approves it, 1,700 children will lose their opportunity scholarships that allow them to attend a private school in the District of Columbia. That is unfortunate, and that is why my amendment must be adopted.

When we take a close look at the data on DC schools, it is no wonder the DC opportunity scholarship parents are so vocal about keeping this program alive. Here in the District of Columbia, public schools spend, on average, over \$14,000 per year per student. The DC class size has one of the lowest student-teacher ratios in the country, 14 to 1. Yet reading scores continue to languish at or near the bottom in every national assessment. Recent data shows that 69 percent of fourth graders in the DC Public Schools are reading below basic levels as defined by the Department of Education. DC students in DC Public Schools ranked last in the Nation in both SAT and ACT scores. About 42 percent of DC students drop out of school.

Beyond the low performance in the classroom, DC schools are often violent and dangerous. A Federal government study found that roughly 12 percent of DC students were threatened or injured by someone possessing a weapon on school property during a recent school year. This percentage is well above the national average. Perhaps, it is because of these statistics, that President Obama chose to enroll both his daughters in a private school.

Let's see what his Secretary of Education said about the DC scholarship program:

I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning. I think those kids need to stay in their school.

Secretary Duncan was referring to the D.C. Opportunity Scholarship Program, the same program we are trying to save today.

Michelle Rhee, the Chancellor of DC city schools said:

I would never, as long as I am in this role, do anything to limit another parent's ability to make a choice for their child. Ever.

That is what she said.

DC Mayor Fenty said:

We should not disrupt the education of children who are presently enrolled in private schools through the DC Opportunity Scholarship Program.

Last Friday, Senator DURBIN, the senior Senator from Illinois, made some charges against this DC Opportunity Scholarship Program that I wish to address. Senator DURBIN claims the program doesn't work. He claimed the Department of Education study proves the DC Opportunity Scholarship Program doesn't work. What Senator DURBIN failed to mention were some of the fundamental flaws of the Department of Education study. First, the study fails to examine the performance

of students who actually took advantage of the scholarship and actually attended private school versus the performance of those who attended public schools. Instead, it compares the students who were just offered the scholarships to those in public schools. In fact, over a quarter of the students who were considered private school participants for purposes of this study did not even attend the private schools.

This study has many flaws and we could go through all of them. How can the program be considered not working yet there are 1,700 kids whose parents showed they are satisfied and that think their kids are getting a better education? The parents are happier, and they can sleep well knowing their kids are going to safer schools. I believe that if there were more than 1,700 scholarships available, there would be a lot more people who would be enrolled in the program because of the satisfaction of both the parents and the teachers.

According to the Heritage Foundation, 37 percent of the members in the House of Representatives and 45 percent of Senators send their children to private schools. That is almost four times the rate of the general population. The senior Senator from Illinois, Mr. DURBIN, stated on Friday that he and his wife sent their children to private Catholic schools. He said this was their choice, and it was a personal family decision. I respect Senator DURBIN's choice to send his own children to private schools, but why should the choice to send children to private schools be the right of only a privileged Senator's family or those who make a lot of money?

Keep in mind, the 1,700 children we are talking about come from families whose average income is less than \$23,000 a year. A good education is a civil right, and this should not be the exclusive purview of the rich or the well connected.

Before closing, I wish to highlight some of the stories of success in the DC Opportunity Scholarship Program so it can be clear who is losing out because of the Democrats' efforts to kill the Program. I wish to put some names with some of the faces and show how important this program truly is.

Sarah and James Parker attend the Sidwell Friends School in our Nation's Capital with President Obama's children. Here they are right here. Unlike the Obama girls, they could not afford this school without the \$7,500 voucher they received from the DC Opportunity Scholarship Program. Now, keep in mind, these two students are funded at half what it costs to send a child to DC Public Schools. Every time we take these students out of the public schools in Washington, the DC Public Schools save money. So why would we want to end this program? Plus the fact that these kids love going to school where they are going.

Now, Sanya Arias is a scholarship recipient who lives in Adams Morgan.

She said some of her friends she went to school with in middle school and who now attend public high school speak using profanities and aren't making the kind of progress she is making academically. This is Sanya, here. Sanya said in middle school she started slacking off and she would have probably followed her friends' path if she didn't receive the scholarship to attend private school. Sanya currently has a GPA of 3.95. She is vice president of her class, captain of the soccer team, a player on the lacrosse team, president of the International Club, and a peer minister. This is the type of student the Democrats are going to take out of a school that she loves so much.

Rashawn is 16 years of age and started school in 1996. His father had him tested and found he was 3 years behind his grade level. The scholarship program gave him the opportunity to attend Academia De La Recta Christian Day School where Rashawn has said: "I can now do my classwork with very little help" because of this scholarship.

Dominique, who is Rashawn's sister, is a 14-year-old girl who lives in Washington, DC. She is now attending the same school and, in Dominique's own words, she says: "I love my school, and I am working on my level and my grade."

Breanna Williams is a 9-year-old girl in the fourth grade. She loves her new school, St. Peter's, because she is getting all As and Bs. She loves to read and is doing that at a level above her grade. In addition, Breanna plays the clarinet in the school band and when Breanna grows up, she wants to be a translator who travels the world.

I would be remiss if I did not reintroduce you to Ronald Holassie. He is a 10th grader at Archbishop Carroll High School in the District, where he is thriving—running track, studying physics, mentoring middle-school students. Further, he has just been appointed as DC's deputy youth mayor. Ronald said that maintaining the DC opportunity scholarship is his chief legislative priority. Ending the program will send Ronald, who is just a sophomore, to Woodson High School, a failing school under the No Child Left Behind Act, for his senior year.

Individually and collectively, these students demonstrate just how important it is to continue the DC Opportunity Scholarship Program and just how wrong the program's opponents are to eliminate it for political purposes. We should continue this scholarship program and help students like the ones I just pointed out—help them to continue to succeed and to develop in our Nation's Capital. I ask President Obama and the Democrats to keep Sarah, James, Sanya, Rashawn, Dominique, Breanna, and Ronald in mind before deciding to kill the DC Opportunity Scholarship Program. I ask my colleagues to please join me in supporting this critical program.

Madam President, I will close with this. I met Ronald last week. I met him

and his folks. I met his little brother who is also in the program. I looked in their eyes and saw their heartfelt pleas to keep this program going. I challenge any member to look into their eyes and then vote against this program. We should be putting kids before special interest groups. Shouldn't our educational system be about kids? Shouldn't it be about their education and providing them the opportunities to compete in the 21st century?

I think the people who are against this program are afraid of this program for one reason—because it is actually working. This program is very popular. The senior Senator from Illinois sends his kids to private school. Parents choose to send their kids to private schools because they want better education for their kids.

Let's give these children a chance at a better education. Let's prove that it is working. Let's study the students and the program. Don't stop this program when it is still in its infancy. Let's decide how we need to measure it, prove it is working or not working. But I predict that at the end of the day, if we really follow these kids in an objective manner, we will show this program has great promise, and maybe we can even take it to other places in the country and help other low-income kids get a better chance at a better education.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I am glad I am here to speak in reference to the Ensign amendment. Senator ENSIGN mentioned my name several times during the course of that debate, which he is entitled to do on the floor of the Senate. I would like to respond.

Five years ago, we started a program in the District of Columbia. It was never tried before by the Federal Government. Here is the program. We said we would give to the parents of up to 2,000 students Federal money to pay for the tuition costs of sending their kids to private schools. It was called the DC Voucher Program. At the time—it was proposed 5 years ago—it was proposed as a pilot program. It basically said we are going to do this on an experimental basis to see whether it works, whether at the end of the day these kids going into private schools will turn out to be better and more successful students, and then at the end of the authorizing period Congress will make a decision whether to proceed forward with this program.

Sometime last year, I ended up with the responsibility of funding this program just as it was about to expire. It was going to expire this June, at the end of this school year. I said: I don't think that is fair. We have not done the evaluation we were supposed to do. We have not considered reauthorizing the program as we planned to do. And we do not want to leave 1,700 students and their families in suspense about their future. So, unlike the statement

made by the Senator from Nevada, I did not end the program in the bill. I think he knows I did not. Instead, we extended it an additional year beyond the authorization period. We said that we will cover the kids in this program for not only the school year we are in right now but the next school year, 2009 to 2010. I did not think it was fair for these kids to be uncertain about where they would be in the next school year while Congress did its work.

What has happened to this DC Voucher Program? Let me tell my colleagues what happened initially to the DC Voucher Program. I offered three amendments in the Senate Appropriations Committee to this program. Here is what they were, I say to Senator ENSIGN:

No. 1, I said that any DC voucher school teacher had to have a college degree. Is that a radical idea? Do you have any public schools in Nevada where the teachers do not have a college degree? We don't in Illinois. We put this up for a vote, and the people who were supporting the DC Voucher Program voted it down. They said: We can't require teachers in these private schools to have a college degree. Imagine that.

The second amendment I offered said the buildings that we will call DC voucher schools have to pass the Life Safety Code. They have to be safe buildings so that if there is a fire in the building, the kids will survive. I don't know of a single school in Nevada or Illinois that is not in a safe building, an inspected building. Do you know what happened to the amendment in the committee? They voted it down. They told me: Don't get in the way of creativity. We have these voucher schools that are very creative. The teachers may not have college degrees and the building may not be judged safe, but these are creative ideas. This could work, Senator, step aside.

The third thing I said was that it is only fair, since we are all critical of the current DC public schools and what is happening there, in most instances, that we have the same achievement test offered in the voucher school as in the DC public school so that at the end of a year or 2 years or 3 years, we can compare the results. Are the kids really doing better? It was voted down.

DURBIN, you are standing in the way of creativity. These are voucher schools. They don't need teachers with college degrees. They don't need to be in buildings that are inspected and safe. We don't need to have comparable tests. You are missing the point.

I guess I did miss the point. Do you know what happened when the General Accountability Office took a look at these schools? They found that many of them were world-class schools. And I bet you the students the Senator from Nevada was pointing to were the products of those schools. Do you know what they also found, I say to Senator ENSIGN. They also found schools where somebody's mom or somebody's wife

declared themselves principals and teachers and went in to teach without college degrees and received Federal subsidies to do it.

Mr. ENSIGN. Madam President, will the Senator yield?

Mr. DURBIN. I will yield when I finish.

They also found schools that did not pass the Life Safety Code inspection. They found schools where they had misrepresented what the building was being used for. And, of course, there were no comparative tests they could use.

In my mind, if this were to be an experimental program, a pilot program, and we wanted to make sure that the kids were protected and that at the end of the day we could measure the results honestly and accurately, you would have included these provisions. Unfortunately, they were not included.

So now the question is, Should the Federal taxpayers continue to subsidize the education of the students in the DC voucher schools? It is a legitimate question, and it is one that a serious committee should look at. In fact, I think it should be a committee the Senator serves on, and that is what we suggested. He is a member of the Homeland Security and Governmental Affairs Committee, chaired by Senator LIEBERMAN. He came to the floor when the Senator asked 2 weeks ago and stated publicly: Yes, I will have a hearing on the reauthorization of the DC Voucher Program, and, in fact, has indicated to many of us that he supports the program. He is no enemy of the program.

So when our bill says we ought to take a look at the total results of the millions of dollars we put into DC voucher schools, let's judge how the students are doing—incidentally, in the first year or two, it turned out that the test scores, when they tried to compare them, they said there doesn't seem to be much difference between students in voucher schools and those in public schools. Maybe that has changed. It is certainly worth asking the question.

In this bill, I also require now that the teachers in the DC voucher schools in this next year have a college degree. Is that what you call ending the program? I think it makes the program more responsible. I think it makes the program more likely to produce students with a good education.

Let me tell you what else happened. When the Department of Education took a look at this program, they raised questions about whether the people administering the program were spending the money wisely, whether they were watching how the resources were gathered and spent. There is a lot of talk about oversight here and a lot of criticism that taxpayers' money and Government funds are being wasted. That is a fair criticism of everything we do on the floor. Why should this program be any exception? Why should we create a standard for this program that is different from any other pro-

gram in Government or any agency of Government? I think it ought to withstand the oversight and review that every single program does.

I want to also tell you that this provision which created these schools—the law is a DC City Council ordinance. It was codified. It was made a law in the DC City Council, where it said specifically:

The Secretary may make grants under this section for a period of not more than 5 years.

We have gone beyond 5 years. I have not only allowed it, I said we should. It is only fair it go beyond at least an additional year. Now the Senator from Nevada objects to the DC government itself deciding whether to continue this program. For a lot of people who come to this floor and talk about home rule, local control of schools, they are basically saying to DC: You don't have any voice in this matter. You are our laboratory. We will decide what happens to your school right here in Congress.

The Senate and the House of Representatives are filled with many gifted politicians, people who have served in many offices throughout their careers and bring that service as an experience to help them serve in the Senate. But it turns out that many of them, more than anything else, always wanted to be mayors, and in particular Mayor of the District of Columbia. Time and again, this Congress—and an attempt is being made right now—tries to preempt the District of Columbia from making its own choices for its own citizens. I would no more think of imposing on Las Vegas, NV, an education program that its school district did not want, would not accept, without saying to them: You ought to have a voice in this as well.

So at the end of the day, we say the program needs to be reauthorized to make sure it is working, that the money is not being wasted, and the program needs to be approved by the DC City Council.

I have met some of these students to whom Senator ENSIGN has referred. They are truly impressive. They tell a wonderful story about lives that were turned around and new opportunities. And that is exactly what I wanted to create for my children and what everyone else wants to create. But believe me, we are not going to create new opportunities when we have DC voucher schools stuck in the basement of a home where the principal has no academic credentials and the teachers do not have college degrees. We are not going to create excellence in buildings which are dangerous for kids to be in. We are not going to create excellence until we have accurate measurement between the progress students are making in the DC voucher schools and in the public schools as well.

While we are engaged in this conversation, many on the other side—I am not pointing at the Senator from Nevada when I say this—many on the other side have completely given up on the DC public schools. They are wrong.

Michelle Rhee is the new chancellor of education in the District of Columbia. She is an extraordinarily talented young woman who has come from the Teach For America Program, one of the most successful new programs and largest employer of college grads in America. She was successful in Baltimore in bringing back a classroom that had fallen behind. She went up to New York to recruit nontraditional teachers. And she is now here with the same dedication and commitment. I am not about to give up on DC public schools. I honestly believe the vast majority of kids are going to be in those public schools, and they deserve a decent education. As much as we can help them, we should. To despair and say there is no hope for these public schools is not fair to Michelle Rhee, to the new Mayor, Mayor Fenty, or to those who want to see this new day in education in the District of Columbia.

I think an honest evaluation of the DC voucher schools, as well as the DC charter schools, and a commitment to reform in the DC public schools is the answer. For those who want to stop and say no evaluation, no reauthorization, no investigation, spend the money on the program, no questions asked, I am going to say no. I am going to fight this amendment because I think it is a move in the wrong direction. It is a move away from accountability. It is a move away from a local voice in the future of the education of kids in the District of Columbia. And it is a movement away from quality and back to the DC voucher original model that did not include the most basic standards we require of virtually every public school in America.

I can tell you that many who are participating in the DC Voucher Program agree with the reforms I have suggested. I have talked with them about it. There are those who will resist it. We cannot let them win the day by adopting the Ensign amendment.

Now I will yield for a question.

Mr. ENSIGN. I thank Senator DURBIN for yielding.

Madam President, is the Senator aware that in all of the private schools these kids are attending the core subject teachers have 4-year degrees and that it was only in subjects such as art and wood shop that they did not necessarily have 4-year degrees? Madam President, I ask the Senator from Illinois, through the Chair, whether he is aware of that.

Mr. DURBIN. Madam President, I say to the Senator from Nevada that the complement of teachers in the DC voucher schools has changed and improved over the years, there is no question about that. But it is also true to say that the standards imposed on the DC public school teachers are not being followed by the teachers in the DC voucher schools. We have created a double standard. As far as I am concerned, if you are arguing that we shouldn't require all teachers to have the appropriate academic credentials

based on the course they teach, I ask in response, through the Chair, is that the standard you are suggesting for your home State of Nevada?

Mr. ENSIGN. Madam President, I actually send my kids to schools where not all of the teachers in core subjects have 4-year degrees. But if a teacher is teaching art, if a teacher is teaching woodshop, or some other kind of program, I would ask: Does the Senator from Illinois really believe imposing that on private schools is necessary?

You send your kids to private schools just as I am sending my kids to private schools. We sent them where we thought they would get a good education. Does the Senator think these parents who are taking advantage of these programs don't care enough about their kids to send them to the best schools? That is why they are choosing to get them out of public schools. Wouldn't the Senator from Illinois agree those are wise parents signing up voluntarily for this program because they care about their kids?

Mr. DURBIN. I would like to respond to the Senator—I know our time is about to end—by saying that when the GAO did their study, incidentally, they found what you stated on the floor was not exactly the case. It turned out there were teachers in so-called “core academic subjects” without college degrees. Those subjects include English, reading, and language arts, math, science, foreign language, civics and government, economics, art, history, and geography. That is the definition of core academic subjects. And the teachers in many voucher schools did not meet those requirements.

I might also say to the Senator from Nevada that my wife and I made a personal decision to send our children to Catholic schools, knowing we would be paying public property taxes in my hometown of Springfield, IL, to support public education, and we had an additional financial burden on our family to pay for tuition, as you have. We accepted that burden, and I believe it is part of the bargain. We support public education, but we made a family decision to pay for our kids to go to Catholic schools.

I have supported public school referenda throughout my time in my hometown. I believe public education is the core when it comes to the development of the community. In my hometown of East St. Louis, when the public schools went to Haiti, the Catholic schools followed quickly behind. They are all in this together.

Madam President, I know we have run out of time.

#### RECESS

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

Thereupon, at 12:32 p.m., the Senate recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### OMNIBUS APPROPRIATIONS ACT, 2009—CONTINUED

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, what is the pending order?

The PRESIDING OFFICER. There is no pending order. There has been no unanimous consent. The Senator is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to speak in opposition to the Omnibus appropriations bill that is before us. I think this debate has been good. We have had amendments. I thank the majority leader for allowing amendments to be offered. I note that not one amendment has been agreed to, but nevertheless we have had the debate and I think the American people do deserve to know more about this bill and why there are so many objections to it.

I am speaking against it today because of its sheer size. It is a \$408 billion bill. But when you account for the previous bills that have already passed appropriations this fiscal year for defense, military construction, veterans affairs, and homeland security, the bottom line is for fiscal year 2009 we are going to spend \$1 trillion. Passage of this bill will mark the first time in U.S. history that our regular appropriations process, funding Government in the routine and regular order, will surpass \$1 trillion.

Last week I offered an amendment. Senator MCCAIN offered an amendment, Senator COBURN offered several amendments, Senator DEMINT, Senator VITTER, Senator KYL—so many amendments have been offered but they were basically different ways to bring down the cost of this bill to some kind of responsible, agreed-upon area so we can say we are doing the people's bidding by taking care of taxpayer dollars. That is what we tried to do.

First, Senator MCCAIN offered an amendment to say let's do a continuing resolution that funds Government at 2008 levels until October 1, the end of the fiscal year. Next, an amendment was offered by Senator ENSIGN that basically said 2008 spending levels, but with the new bill, with the new authorizations. It will have all of the congressional imprint but it will be 2008 levels. That failed.

My amendment was 2008 levels with the rate of inflation, so instead of an 8-percent increase in spending in a 1-year period, double the rate of inflation, it would have been a 3.8 percent increase from 2008, which I thought was quite reasonable. Furthermore, I said let's decide that we will only take it from the accounts in the bill before us that duplicate what we passed in the stimulus bill weeks ago. In that way, we would say to the American people we are going to fund the Government at 2008 levels plus the rate of inflation, and the way we are going to cut it back is to let the Appropriations Committee decide which of the duplicated accounts that were passed in the stimulus bill 2 weeks ago would be taken

out—either the stimulus bill or the bill before us. That was my amendment and it too failed.

We have tried everything we know how to do in a reasonable and responsible way to say to the American people: Everyone is hurting right now and we should not be spending in the regular order on regular Government business, 8 percent above last year's rate. My amendment would have been a 1-percent cut from this bill and the Appropriations Committee could have chosen where that went. I also suggested that we take it out of the duplicate measures that we passed within 1 month of each other. The American people expect more responsible actions from Congress than spending without restraint.

I hear from my constituents all the time. A lot of common sense is coming out of my constituents. I wish we could export the good old Texas common sense to the Congress because what we are saying is why don't we look at the big picture here? Instead of a \$1 trillion stimulus spending package on top of \$1 trillion to fund Government for the next 9 months, and furthermore we have not even dealt with the financial institutions yet, why don't we step back and look at the problem we have, which is that our financial institutions are not working, our small businesses are not getting credit so they are not able to borrow to stay in business, and the housing market is in the tank? We have not addressed those issues yet and here we are, spending as if there is no restraint, adding to the debt because we do not have the money in the bank. I cannot think of anything more irresponsible than what we are doing in these last couple of months in the Congress.

Actually, the stimulus packages from last year were also erroneous. But couldn't we have learned from the mistakes? Couldn't we have learned from what did not work in the first stimulus package? But, no, we do not seem to have learned, even though it was less than a year ago. I think the American people are showing the concern they have because the stock market is low, and is not getting stabilized.

Now we have coming on the heels of this omnibus bill, which we are not accounting for, a \$3.6 trillion budget proposed by the President with a deficit for 2010 projected at \$1.75 trillion. The cumulative debt of America today is \$11 trillion. The proposed budget plan recently suggested a doubling of this debt over the long term.

Mr. President, 25 percent of the national debt that we are accumulating is owned by foreigners. The Chinese Government owns almost \$700 billion of our debt. This is the same Chinese Government that last weekend took a rather hostile action toward one of our naval vessels in the South China Sea. I think we should be looking at the national security implications of having so much of our country's debt in the hands of any foreign country or any foreign national.

In addition to the concerns about whether the borrowers are going to buy our debt—what if they say: \$10 trillion, \$11 trillion, you know, maybe we will buy your debt, but the risk is too great and we will have to jack up the interest rate? What is that going to do to an economy that is teetering so badly?

I do not think we can turn a blind eye to the long-term consequences of this debt burden. It is not only irresponsible but it borders on being reckless. When are we going to stop it? If not today, then when? We have a chance today to say to the American people we will go back to the drawing boards and we will put reasonable limits on the amount of debt we are accumulating. We will put limits on the deficits that are being created. I think we should go back to 2008 levels because we passed a \$1 trillion spending plan. Why not go back to 2008 levels and take out the duplication from the stimulus bill and what is in the bill before us today? That would be a responsible action that might start giving confidence to the American people that the Congress and the President will be able to work together in a bipartisan way to act responsibly, with the big picture in mind. I urge the President of the United States not to go forward with the budget that he has put forward, not to go forward with an energy plan that is going to start increasing taxes on every electric bill that every consumer in this country will have, but instead to step back and say let's fix the financial industries. Let's fix the financial institutions. The idea has been propounded is that the FDIC is going to start putting an assessment on every bank deposit to pay for these other schemes that have no impact whatsoever.

There are a lot of things coming out of here that do not make sense. I think it is time for us to begin to show the American people we are going to step back. We are going to fix the financial markets so people can borrow to make payroll and keep people working, so people can stay in their homes and not get foreclosed, and to shore up the housing industry and help them start building and selling homes again.

If we can start there, then we will know what kind of stimulus we need, or what kind of further spending would be in the best interest of this country to get our economy going again. But until then, we should not pass the bill before us today. We should go back to the drawing board and begin responsible, bipartisan leadership from Congress and the President on behalf of the American people.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Dakota.

AMENDMENT NO. 662

Mr. THUNE. Mr. President, I ask unanimous consent to call up amendment No. 662, and make it pending.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. DEMINT, Mr. INHOFE, and Mr. ENZI, proposes an amendment numbered 662.

The amendment is as follows:

(Purpose: To prohibit the use of funds by the Federal Communications Commission to repromulgate the Fairness Doctrine)

On page 410, after line 2, insert the following:

SEC. 753. None of the funds appropriated in this Act may be used by the Federal Communications Commission to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the "Fairness Doctrine", as such doctrine was repealed in *In re Complaint of Syracuse Peace Council against Television Station WTVH*, Syracuse New York, 2 FCC Rcd. 5043 (1987).

Mr. THUNE. Mr. President, 2 weeks ago, 87 Members of the Senate voted to uphold our first amendment rights by supporting a statutory prohibition on the so-called fairness doctrine. The amendment was offered by Senator DEMINT and was accepted as part of the DC voting rights bill which is currently awaiting consideration by the House of Representatives. I am concerned that once the House considers this bill, whenever that might occur, and the Senate and House versions are conferenced together, this provision will no longer be a part of the final DC voting rights bill.

I will say I am hopeful that the DeMint amendment is retained in the final version of the DC Voting Rights Act, but I am fearful it will be stripped out behind closed doors when the conference committee gets underway.

So I filed an amendment to the Omnibus appropriations bill that would prohibit the FCC from using any funds to reinstate the fairness doctrine during the current fiscal year.

If this amendment is accepted to the omnibus bill, then the 87 Senators who supported this prohibition last week will have assurances that the fairness doctrine will not be reinstated for the remainder of this year regardless of whether the DeMint amendment remains part of the DC Voting Rights Act.

I would also like to remind my colleagues a similar provision was included as part of the fiscal year 2008 Omnibus appropriations bill, section 621, that was enacted into law last year. However, that language was not included as part of the fiscal year 2009 Omnibus appropriations bill.

Now, one of the arguments that has been made against this amendment from my colleagues on the other side is, well, this issue is not that important. Nobody really cares about it. It is not going to happen.

If that is the case, then why is it that the prohibition on funding to reinstate the fairness doctrine was stripped out of this bill after it had been included in the fiscal year 2008 appropriations bill?

The so-called fairness doctrine has a long and infamous history in our country. The FCC promulgated the fairness doctrine in 1949 to ensure the contrasting viewpoints would be presented on radio and television. In 1985, the FCC began repealing the doctrine after concluding that it actually had the opposite effect.

They concluded then what we still know today, and that is the fairness doctrine resulted in broadcasters limiting coverage of controversial issues of public importance.

Now, recently, many on the left have advocated reinstating the doctrine. They argue that broadcasters, including talk radio, should present both sides of any issue because they use the public airwaves. However, recent calls to reinstate the fairness doctrine failed to take into account several considerations, which I will mention in just a moment. But in the event that there would be any question about whether there are those out there who would like to see this happen—because that has been one of the arguments raised in the course of the debate, that nobody in here is very serious about really doing this—if you look at what the Speaker of the House said when she was asked: Do you personally support revival of the fairness doctrine? She said, “Yes.”

The leader of the Democrats in the House of Representatives recently said:

There is a real concern about the monopoly of information and the skewering of information that the American public gets.

First, as to the monopoly. Obviously if one group or a large group controls information and only allows one perspective to be presented, that is not good for democracy. That is not good for the American public.

That is, of course, what the fairness doctrine is directed at. It can have great merit. Those are the two top Democrats in the House of Representatives, and those are statements made within the last year.

Then perhaps even more telling is what was said by a top staffer in the House. And it says:

Conservative radio is a huge threat and political advantage for Republicans, and we have had to find a way to limit it.

I would submit that really is what this is all about. We have had Members on this side, in the Senate, on the other side of the aisle, who have made similar statements. Recently, on a radio program one of my colleagues on the other side was asked: Do you think there will be a push to reinstate the fairness doctrine? “I don’t know; I certainly hope so” was the answer.

Do you support it? “I do.”

I mean, would you want this radio station to have to change? “I would. I would want this station and all stations to present a balanced perspective and different point of view.”

What we are talking about is a first amendment right. In reality, the fairness doctrine resulted in less, not more, broadcasting of issues that are important to the public because airing

controversial issues subjected broadcasters to regulatory burdens and potentially severe liabilities. They simply made the rational choice not to air any such content at all.

Now, the number of radio and TV stations and development of newer broadcast media, such as cable and satellite TV and satellite radio, have grown dramatically in the past 50 years. In 1949, there were 51 television stations and about 2,500 radio stations in the entire United States.

In 1985, there were 1,200 television stations and 9,800 radio stations. Today, there are nearly 1,800 television stations and nearly 14,000 radio stations. There is simply no scarcity to justify content regulation such as the fairness doctrine.

The third point I will make is this: Development of new media, social networking, and access to the Internet has changed media forever. Supporters of government-mandated balance either ignore the new multiple sources of media or they reveal their true intention, which is to regulate content on all forms of communication and ultimately stifle certain viewpoints on certain media such as talk radio.

Fourth, broadcast content is driven by consumer demand. Consumers of media show whether they are being served well by broadcasters when they choose either to tune in or turn off the programming that is being offered. The fairness doctrine runs counter to individual choice and freedom to choose what we listen to or see on the air or read on the Internet.

The fairness doctrine should not be reinstated, and 2 weeks ago the Senate acted in a strong bipartisan manner in opposition to the fairness doctrine. I am asking the Senate to agree to my amendment because it simply prohibits any funding from being used to reinstate the fairness doctrine just as we included as part of last year’s Omnibus appropriations bill.

Adoption of my amendment would ensure that our first amendment rights are protected and that consumers have the freedom to choose what they see and hear over our airwaves. This amendment ensures that the Federal Communications Commission does not use any resources to reinstate the fairness doctrine through the end of the fiscal year until a more permanent solution can be reached through a statutory prohibition.

As I said, 2 weeks ago, the Senate adopted this by a vote of 87 to 11. There were 87 Senators in the Senate who agreed to language that was contained in the DeMint amendment to the DC Voting Rights Act.

Similar language prohibiting the FCC from reinstating the fairness doctrine again, as I said earlier, was contained in last year’s Omnibus appropriations bill. The administration of President Obama is on record opposing efforts to reinstate the fairness doctrine. It makes sense, in my judgment, that we echo all of those statements

and the vote that was made by the Senate a couple of weeks ago by including a prohibition on funding for the FCC to reinstate the fairness doctrine.

Again, we do not know what is going to happen in the DC Voting Rights Act, whether this provision is going to be stripped out, whether the DeMint amendment is going to be stripped out. So it is important, in my view, that we reinforce the vote by making a strong statement, at least for this fiscal year’s funding, that funding in the FCC cannot and will not be used to reinstate the fairness doctrine.

There is no reason for the Senate not to vote for this language. I hope my colleagues will join me in supporting this amendment and putting us on record when it comes to the funding that would be used to reinstate the fairness doctrine that this appropriations bill will not do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to engage my colleagues, Senator NELSON and Senator MARTINEZ, in a colloquy. And as I do, let me start off by saying, we want to take a moment to discuss some important provisions in the omnibus bill. I discussed these provisions at length last week on the Senate floor, and I want to give an update as to where things stand today.

As I discussed last week, this bill includes three important foreign policy changes with respect to Cuba that have not been subjected to debate in this body. They have not gone to the Foreign Relations Committee, they have not been subject to a vote in either body, and these modifications deserve a full examination. This has not taken place. Instead, this body would have been forced to swallow these changes in the crudest process I can imagine, without analysis, and without inclusion.

Since we have been unable to debate the substance of these provisions, I have asked for a clarification, along with my colleagues, to the Secretary of the Treasury on the implementation of these provisions and expressed my concern for their possible implications and the unproductive signals they might send to those who are fighting for democratic change on the island.

We did this to get clear, first, of what might have been major loopholes that could have been exploited by individuals or organizations seeking to circumvent the longstanding and necessary economic embargo. In response, Secretary Geithner has provided me with two letters that I ask unanimous consent be printed in the RECORD.

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



DEPARTMENT OF THE TREASURY,  
Washington, DC, March 5, 2009.

Senator ROBERT MENENDEZ,  
U.S. Senate,  
Washington, DC.  
Senator BILL NELSON,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS: I understand that you have concerns with provisions of the Omnibus Appropriations Act, 2009 that would amend Cuba sanctions on travel and agricultural and medical trade. As you know, the Obama Administration had nothing to do with these or any other provisions of that bill.

We are, however, currently reviewing United States policy toward Cuba to determine the best way to foster democratic change in Cuba and improve the lives of the Cuban people. Your views and the views of others on Capitol Hill will be important to that review, and the President remains committed to consulting with you as we consider changes to Cuba policy.

I understand that one of your chief concerns with the Omnibus is Section 622, which would prohibit the Treasury Department from using funds to administer, implement, or enforce the current definition of "cash in advance," which is one of the permissible ways to finance exports to Cuba. Treasury believes that this change likely will have no influence on current financing rules. The term "cash in advance" is in the Trade Sanctions Reform and Export Enhancement Act of 2000 and therefore private parties are and will continue to be statutorily required to comply with those payment terms. Because the bill's language does not modify or negate the statutory requirement in the 2000 Act, exporters will still be required to receive payment in advance of shipment and will not be permitted to export to Cuba on credit other than through third-country banks.

I also understand you are concerned about Section 620. As you know that is a provision that will also be administered by the Department of the Treasury. I can assure you that regulations promulgated pursuant to that provision will seek to ensure that only travel for credible sales of food and medical products is authorized.

Sincerely,

TIMOTHY F. GEITHNER,  
Secretary of the Treasury.

DEPARTMENT OF THE TREASURY,  
Washington, DC, March 9, 2009.

Hon. ROBERT MENENDEZ,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MENENDEZ: You have expressed concerns to me about provisions of H.R. 1105, the FY 2009 Omnibus Appropriations bill, regarding Cuba sanctions. You have also shared your views regarding Section 620 of the bill, which relates specifically to travel to Cuba for the commercial sales of agricultural and medical goods pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000.

Section 620 would be administered by the Department of the Treasury. The regulations promulgated pursuant to that provision would provide that the representatives of only a narrow class of businesses would be eligible, under a new general license, to travel to Cuba to market and sell agricultural and medical goods. Any business using the general license would be required to provide both advance written notice outlining the purpose and scope of the planned travel and, upon return, a report outlining the activities conducted, including the persons with whom they met, the expenses incurred, and business conducted in Cuba. All travelers who take advantage of the general license would

also have their daily expenses limited to the then-applicable State Department per diem rate.

It is my hope that this letter has assisted you in understanding how the Treasury Department would implement Section 620 of H.R. 1105, the FY 2009 Omnibus Appropriations bill. If there is anything that I can do to be of assistance in the future, please do not hesitate to contact me.

Sincerely,

TIMOTHY F. GEITHNER,  
Secretary of the Treasury.

Mr. MENENDEZ, Section 620 liberalizes individual travel regulations to Cuba for the promotion of agricultural and medical sales. This provision would systemically broaden the category of licenses available and allow individuals, in a self-policing manner, to travel to the island under the auspices of selling such supplies.

While I am sympathetic to the U.S. agricultural industry, I remain concerned that provision was written with the aim not of benefitting the private sector but, rather, of undercutting the current travel regulations for individuals and putting a wedge in a broader issue of denying our currency to the Castro regime. Depending on how this provision was implemented, it could encourage a radical break in existing travel regulations and provide the Castro regime with enhanced financial benefit in the pursuit of its repressive policies.

As a result, we asked Secretary Geithner specifically how the provision would be implemented. Secretary Geithner assured us in his letter dated March 5, 2009:

Regulations promulgated pursuant to that provision, [Section 620] will seek to ensure that only travel for credible sales of food and medical products is authorized.

In his letter dated March 9, 2009, Secretary Geithner wrote:

The regulations promulgated pursuant to that to provision [Section 620] would provide that the representatives of only a narrow class of business would be eligible, under a new general license, to travel to Cuba to market and sell agricultural and medical goods. Any business using the general license would be required to provide both advance written notice outlining the purpose and scope of the planned travel and, upon return, a report outlining the activities conducted, including the persons with whom they met, the expenses incurred, and business conducted in Cuba.

Section 622 concerns cash in advance payments. This provision would strip the ability of the Department of the Treasury to enforce a 2005 amendment that defined the term "cash in advance."

In his March 5 letter, Secretary Geithner wrote that the U.S. Treasury "believes that this change likely will have no influence on current financing rules. The term 'cash in advance' is in the Trade Sanctions Reform and Export Enhancement Act of 2000 and therefore private parties are and will continue to be statutorily required to comply with those payment terms. Because the bill's language does not modify or negate the statutory require-

ment in the 2000 Act, exporters will still be required to receive payments in advance of shipment and will not be permitted to export to Cuba on credit other than through third-country banks."

Which is the law today.

This comes particularly at a moment that is very important. The Paris Club recently announced that Cuba has defaulted on over \$9 billion of obligations. At a time that we are facing challenges in the United States in terms of our financial institutions and credit, in general, to be giving credit to a country that has not only a repressive policy but has \$30 billion in default is not, in my mind, good policy.

President Obama said:

My policy toward Cuba will be guided by one word: Libertad—

Which means freedom—

and the road to freedom for all Cubans must begin with justice for Cuba's political prisoners, the rights of free speech, a free press and freedom of assembly; and it must lead to elections that are free and fair.

I could not agree more with President Obama on this point, and I fully support him in moving forward in this direction.

Finally, I know some of my colleagues might be confused about my persistence with this issue over the last couple of weeks. So let me clarify what, for me, is a principled position.

First, I have many citizens in New Jersey whose personal stories speak powerfully to the repression of the Castro regime. Many of them have spent 10 to 20 years of their lives in a prison cell. Their only crime was trying to seek peaceful change in their country. They are now proud U.S. citizens. But they languished in a jail for a decade or two decades simply for seeking to make peaceful change. Many of them were tortured in that process. They are a powerful reminder to me every day, when I am back in New Jersey, of that reality.

Second, let me propose that for some it is difficult to imagine the deep personal significance these changes have for the human rights and democracy activists on the island who fight for the ability to speak freely and think freely, as well as my own personal convictions on this issue that my family has both lived under and died trying to change.

Changes in our Nation's policy toward Cuba, such as changes in our Nation's policy toward any nation our country determines a state sponsor of terrorism—such as Iran, Sudan, and Syria—are extremely delicate policy issues. Any such changes in our policy with these countries deserve a democratic debate and careful deliberation. It is simply undemocratic to tuck them in the middle of a large unrelated but must-pass spending bill.

I thank Secretary Geithner for his understanding of the sensitivity of these issues, working with Senator NELSON and myself to ensure that the spirit of the legislation is carried out

in a responsible manner. I also thank my colleagues in the Senate who have worked with us on this and others who have understood and Majority Leader REID for working with me on getting clarification on the implementation of these provisions. It is disappointing that the process unfolded in this way. We will look just as unkindly upon any future attempts to make significant foreign policy decisions of any sort, not only about Cuba, in this type of secretive and undemocratic manner. Instead, I wish to work with my colleagues in an open and transparent manner to deliberate the substance before we get to this point, even though, at the end of the day, we may still not find common ground. I would, of course, prefer that the provisions not be in this bill at all. But the assurances I have received from Secretary Geithner have allayed my most significant concerns, and I will vote in favor of the Omnibus appropriations bill.

I yield to the distinguished senior Senator from Florida, who has been an ally in this effort to ensure that the clarifications needed were there. He is a tremendous advocate for freedom and democracy for the people of Cuba. I was privileged to work with him in getting the clarifications and making sure we are in a position so human rights activists and political dissidents in Cuba still have their opportunity to create change.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I commend Senator MENENDEZ for the conviction and passion with which he comes to this important position of influencing the Senate on this particular issue. I likewise wish to say the same thing about my colleague from Florida who has been my good friend for 31 years and who comes to this issue with equal passion and commitment. I thank my colleague from Florida for coming out here on the floor. Even though this issue was negotiated among Senator MENENDEZ and myself and Secretary Geithner, he is willing to come and stand to embrace the product of our work.

I wish to call to the attention of the Senate that our majority leader, Senator REID of Nevada, came up to me and indicated he supports this and wanted me to state that to the Senate.

I came to Congress 30 years ago. This issue has been an issue that any Floridian has lived with for a long time. I have supported an economic embargo against Cuba along with a ban on tourist travel to the island. I am a supporter of isolating the regime in Havana and giving the Cuban people the democracy they so desperately seek. The provisions in this omnibus that came out of the Appropriations Committee did not do away with the embargo but did weaken it. I think the better course is to allow our new President to undertake his own review of U.S. policy toward Cuba before pushing hasty and ill-advised language through

on an omnibus bill, as Senator MENENDEZ said, that was crafted behind closed doors, kept from public view, and kept from the rest of the Senate's view until it was disgorged from the full committee only a couple weeks ago; "it" being the omnibus, a must-pass piece of legislation to keep the Government functioning.

As Senator MENENDEZ has outlined, we reached out to the Secretary of the Treasury and to the White House to clarify the implementation and enforcement of these regulations. Senator MENENDEZ has already put into the RECORD Secretary Geithner's letter of March 5 and his responsive clarification in a letter of March 9. I wish to enter into the RECORD the letter Senator MENENDEZ and I sent to Secretary Geithner on March 6, memorializing the personal conversation we had with him, to which he so graciously then followed up with his letter of March 9.

I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, March 6, 2009.

Hon. TIMOTHY F. GEITHNER,  
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR SECRETARY GEITHNER: We appreciate your recent correspondence clarifying the implementation of Sec. 622 of the Omnibus Appropriations Act of 2009. As we discussed last night, we continue to have serious concerns with Section 620. Thank you for your personal commitment that the Department of the Treasury will promulgate regulations pursuant to Section 620 that:

1. Provide a narrow definition of the eligible businesses that may travel to Cuba to sell agricultural and medical products under a general license;
2. Require written notice to the Office of Foreign Assets Control (OFAC) in advance of travel to Cuba outlining the purpose and scope of such travel to Cuba, pursuant to the provisions as defined above;
3. Require a filing upon return of travel to Cuba by travelers outlining activities conducted, including persons with whom they met, the amount of expenses incurred, and the business conducted; and
4. Limit such travelers to the current Department of State per diem.

Currently, the Office of Foreign Assets Control (OFAC) pursues significant enforcement with regard to travel regulations relating to Cuba. We would expect that such enforcement would not be diminished in the ultimate enforcement of the regulations outlined above.

Sincerely,

ROBERT MENENDEZ.  
BILL NELSON.

Mr. NELSON of Florida. I would like to engage my colleague from Florida, Senator MARTINEZ, in this colloquy.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I thank my two colleagues from New Jersey and Florida for what they have had to say but most of all for the work they have done. They have done good work. We have stood together, the three of us, along with others but particularly the three of us with the most

immediate concern with this issue, in a way that is heartening. To me, oftentimes I have seen our names written as hardliners on Cuba. I prefer to think of ourselves as voices of freedom standing to oppression. That is what is at stake. People in the district of Senator MENENDEZ and people in Florida, countless of them, we know their stories. We know their names. We know their suffering. It isn't about settling an old score because these conditions continue even today. Oscar Elias Biscet, to name one. He is in jail. His family seldom gets to visit him. His health is in peril. It is because of all these things that are not only part of history, but they are also part of today's reality, that we stand on the side of freedom. That means a state that is a sponsor of terror needs to be treated differently.

I daresay that while I might not agree with everything that might be done, I trust President Obama and Secretary of State Clinton to do a review of our policy toward Cuba and then, perhaps in the light of day, have a discussion about what would and would not be appropriate. What I would object to is anything that would be unilateral, that simply would say: We will do this, that and the other thing and expect nothing on behalf of those oppressed people of Cuba. We need to expect that there will be reciprocity of some type, that there will be steps taken by the Cuban Government contrary to what they seem to have done last week, which is to circle the wagons and hint of more military control of the Government and more repression for the people.

I deeply thank both Senators NELSON and MENENDEZ for what they were able to accomplish in this misguided piece of legislation. I agree with them, it was inserted in the dark of night with no debate and discussion. The letters and the understanding they have reached with the Secretary of the Treasury handles the problem as it relates to agricultural sales to Cuba as well as the related licensing for travel relating to doing business in Cuba.

We talk often about an embargo. This embargo supposedly is limited to trade sanctions because we sell almost a billion dollars in agricultural goods to Cuba. We sell medicine. More humanitarian aid flows to Cuba from here than any other country in the world, hundreds of thousands, into the billions of dollars in remittances that go from folks in this country to those in Cuba. Sadly, the Cuban Government takes too big a cut out of it.

I look forward to this implementation, which I think fixes the problem created by this misguided legislation. I thank both the Senators for their yeoman work in getting this accomplished. I remain concerned about travel by family members. While I am not one to begrudge anyone who wants to see an uncle or aunt, there will be a need for regulations that will enshrine what I know will be a different policy

under President Obama, and I respect that completely. But there needs to be some regulation about the frequency of travel and also about the amount of per diem dollars carried back and forth to Cuba. I am sure those will be forthcoming down the road.

I believe it is important we continue to request that if there is going to be legislating on this topic, that it be done in the open air, that we have an opportunity for fair debate and for a legislative process that is worthy of the kind of institution we are.

I thank both my colleagues for the great work and appreciate the fact that we have been able to maintain what is an important foreign policy initiative that should never be disturbed in the way this was done but should be left in the hands of the Executive and be done carefully, measuredly and after study and consideration.

Mr. NELSON of Florida. Mr. President, I thank Senator MARTINEZ again. It is important we understand that when we have that full and fair and open debate in the sunshine, we remember what Candidate Obama said during the campaign. He said what he wanted to do was go back to the status quo ante on travel to Cuba by family members every year instead of once every 3 years and to have more remittances every quarter than was cut back a few years ago by the previous administration. That seems to be common sense and family value oriented. That is what the candidate who became our next President articulated.

Then once the new President announces his declaration of that policy, we can come out here and openly debate that issue. While there has been disagreement within this body over the most effective way for us to help the Cuban people, I believe if there is to be a new strategy toward Cuba, we must have the opportunity for the Commander in Chief to lay it out, not have it come from the tinkering of a few lawmakers inserting language in a must-pass appropriations bill without any opportunity for debate.

I stand with our Cuban American families, many of them in Florida, who have ties to loved ones still on the island. That is why I support President Obama's efforts to allow increased family travel once a year, instead of only once every 3 years, and the increased remittances to family members.

Our job in guiding U.S. foreign policy toward Cuba is to isolate the Castro regime but not to prevent families from being able to take care of their loved ones. On the basis of these letters entered in the RECORD today and on the personal assurance of the Secretary of the Treasury, which we appreciate very much, I have been assured by the administration as to the implications and enforcement of these regulations. Although I agree with many of my colleagues that this omnibus bill is far from perfect, I believe it is in the best interests of the country to provide the badly needed operational funding for

the U.S. Government and for other important initiatives.

This bill includes funding for lifesaving equipment at Florida hospitals, for sheriffs' offices, and for police departments to upgrade communications systems or to prevent kids from joining street gangs. It provides money for cleaning up blighted downtown neighborhoods, for retraining workers who are losing their jobs, and for projects to save one of the world's greatest natural treasures, the Florida Everglades. These are just a few of the reasons why this legislation is so important.

If this bill, shepherded through this body by our esteemed chairman of the Appropriations Committee, Senator INOUE, were not to pass, NASA's contractors would have to start laying off skilled aerospace workers developing the replacement of the space shuttle. So it is my intention to vote for cloture on the 2009 omnibus bill, and I urge our colleagues to do so.

Mr. President, I yield to Senator MENENDEZ.

The PRESIDING OFFICER (Mr. KAUFMAN). The Chair recognizes the Senator from New Jersey.

Mr. MENENDEZ. Thank you, Mr. President.

Let me now make some broader comments about the omnibus, having expressed my concerns. And, again, in recognition and in light of the assurances we have received on the matter that Senator NELSON, Senator MARTINEZ, and I have discussed, I have come to the floor today to support the omnibus bill.

It is an important measure to help our economy recover and keep essential public services running. It includes important funding for my home State of New Jersey, including everything from an initial burst of capital for a new trans-Hudson tunnel—incredibly important to move large numbers of people across the Hudson River to New York, and also for reverse commutes, for economic opportunity, access to hospitals, a whole host of critical issues in a way that is promoting mass transit and does so not only in terms of economic opportunity and an enormous number of jobs that will be created as a result of that but also as it relates to the quality of life and the environment by moving a lot more people in a high-speed, nonpolluting process versus through a car—to support for flood control and protection of our shore—which is incredibly important in terms of the tourism and fishing industry and the economy of New Jersey—to grants that allow local law enforcement to have the latest technology to help the police officer on the beat.

This bill invests in education, strengthening our commitment to science over the next decade so we can have a workforce that can compete on a global playing field and be second to no one in terms of that ability in those fields that are going to be the competitive future opportunities for our citizens and for our Nation.

It makes strong advances in health care. It includes more than \$30 billion for lifesaving research so that the National Institutes of Health leaves no stone unturned in the search for treatment for cancer, for diabetes, and the Alzheimer's that I have watched take over my strong and proud mother.

The bill allows us to immunize an additional 15,000 children against debilitating diseases. And it funds the Patient Navigator program I established to help citizens make their way through a complicated health care system.

The legislation puts resources toward revitalizing local communities and keeping families in their homes—because the housing crisis is at the root of our overall economic crisis. It funds community and economic development in over 1,000 cities and towns, gives competitive grants to revitalize neighborhoods, and renews section 8 vouchers to help nearly 45,000 families keep a place to call home.

In short, the omnibus makes a broad range of the kind of worthy, needed investments that will help our economy recover and our citizens get through this difficult time. I am happy to see the Senate move forward on this vitally important legislation. Although I know I am not the only Senator to have felt frustration in this process, I wish to take this opportunity to express that I am always open to discussions with my colleagues, and I hope we can work together in the future to make sure in the greatest deliberative body in the world we will all do our part to deliberate before we take significant action.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 662

Mr. INOUE. Mr. President, I rise in opposition to amendment No. 662, an amendment offered by the Senator from South Dakota. This amendment would prevent the Federal Communications Commission from reinstating the fairness doctrine.

This amendment is totally unnecessary. There is no funding in this bill for the FCC to reinstate the fairness doctrine. This bill does not contain any provisions directing the FCC to reinstate the fairness doctrine.

Further, President Obama does not support reinstating the fairness doctrine. The FCC repealed this doctrine in 1987, and has no plans to bring it back.

Finally, last week, 87 Senators, including myself, voted to include a similar amendment to the voting rights bill that would prevent the FCC from reinstating the fairness doctrine, which is exactly what this amendment would do. So there is no question about Democratic support for the position being proposed by the South Dakota Senator.

I wish to take a few seconds and talk about the history of this issue. The

fairness doctrine, which was originally adopted by the FCC in 1949—60 years ago—is a concept that broadcasters should cover issues fairly, allowing for different viewpoints to be presented in a balanced way.

I agree with the goals the fairness doctrine advanced, but the need for this policy today has become obsolete. In the 1950s, there were only three nationwide broadcast stations—NBC, ABC, and CBS. There was a legitimate public concern that the small number of media outlets could abuse their power and present a biased public agenda. At that time, the fairness doctrine was the right answer to a small and heavily concentrated media world.

A lot has changed since the 1950s. Technology has exploded. There are more ways than ever to hear a variety of perspectives and opinions on any number of issues. There are hundreds of channels on cable TV. We have public broadcasting, which was nonexistent at that time. We have more than 14,000 AM and FM radio stations, and hundreds of satellite radio stations. We also have the Internet.

As I stated earlier, the FCC repealed the provision in 1987, and has no plans to reinstate this doctrine. The amendment is simply an attempt to take an issue on which a vast majority of the Members of this Chamber voted in agreement last week and offer it to an unrelated bill of significant importance to the day-to-day operation of our Government.

It does not belong in this bill. I urge my colleagues to oppose this matter so we can send the bill to the President of the United States.

#### AMENDMENT NO. 604

Mr. President, if I may, I wish to speak on another amendment. This is amendment No. 604.

The bill before us, the Omnibus appropriations bill, would provide funding for the majority of the Federal Departments which have been funded under a continuing resolution since October of 2008.

This bill, the omnibus bill, is not an authorization bill. At the request of both the chairman and ranking member of the authorizing committee of jurisdiction, this bill includes a simple 1-year extension of the E-Verify employment verification system, known as the Basic Pilot Program, and includes a simple extension of the EB-5 program.

The Appropriations Committee chose not to include the controversial authorization measures associated with the E-Verify Program. Rather, the extension provided in the Omnibus appropriations bill provides the authorizing committee ample time during this session of Congress to consider the 6-year authorizing legislation contained in this amendment.

The continuing resolution expires at midnight this Wednesday, March 11 and, therefore, I urge my colleagues to oppose this controversial authorization language, particularly since this bill

provides time to the authorizing committees to address this issue through the authorizing process.

I oppose that amendment.

#### AMENDMENT NO. 674

Mr. President, now, if I may, I wish to speak on another amendment. This is amendment No. 674, which would prohibit the use of funds to implement Executive Order 13496 which was issued on January 30 of this year.

This Executive order requires Federal contractors to post a notice informing workers of their existing labor rights under Federal labor laws. The pending amendment, however, prohibits President Obama's order from being implemented unless it uses the same exact language as a prejudiced order issued by former President George W. Bush in 2001.

The Bush Executive order required Federal contractors to post a Federal labor rights notice, but that notice only provided one-sided material about the right to not join a union or pay certain union dues. Unlike President Bush's order, President Obama's executive order does not limit the notice to pro- or anti-union material, and it does not dictate what specific language must be used. It simply requires the Department of Labor to issue guidelines within 120 days from January 30 of this year about the notice, and for the notice to be more comprehensive and informative than the Bush Executive order.

Mandating that the one-sided Executive order from the previous administration be restored defies logic. Many new federally funded projects to improve our Nation's infrastructure are underway and productive labor relations are more important than ever. Ensuring that workers are aware of their rights promotes better working relationships between labor and contractors.

Federal law gives the President discretion to determine what is in this notice. President Bush exercised that right during the 8 years he served as President, and issued an Executive order on this matter that many of us in this Chamber believed to be one sided. President Obama deserves the same authority and discretion that was afforded to President Bush to issue Executive orders. The Congress should not take steps to intercede on this matter by adopting this amendment and, therefore, I urge my colleagues to vote no.

Mr. President, I yield the floor.

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

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

#### AMENDMENT NO. 615

Mr. ENSIGN. Mr. President, I wish to speak once again about my amendment

dealing with the DC Opportunity Scholarship Program we have here in the District of Columbia. Currently, 1,700 children from lower income families are able to attend a private school with a \$7,500 voucher thanks to this program, a program we implemented about 5 years ago.

It seems the No. 1 priority for the National Education Association, one of the largest unions in the country, is to eliminate this program. We are talking about real children here. These are two of the kids who attend school with President Obama's children. It is a great school. The President and Mrs. Obama could afford to send their kids to any school. They chose this particular school because it is an excellent school. They chose not to send them to a public school in Washington, DC. After seeing some of the statistics on the DC public schools, it doesn't surprise me. Why should these two happy, healthy kids who are enrolled at the same school as the President's children be forced to leave?

The bill before us allows the program to continue for one more year, then, if not reauthorized and approved by the DC City Council, the bill de-funds the program and forces 1,700 children out of private schools where they are happy, healthy and learning.

I quoted these statistics earlier: forty-five percent of Senators and 37 percent of members of the House send their children to private schools. That is almost four times the rate of the general population. Quality education shouldn't be only for a privileged few. We should be able to send kids such as Sarah and James here to the schools where they can get a better education, where they are safer.

The safety of DC public schools is a major concern. One-half of all teenagers attending DC public schools are in a school that has enough criminal activity to be classified as persistently dangerous. In school year 2006–2007, DC Metropolitan Police reported that over 6,500 crimes were committed in D.C. public schools. Too many of these schools are not safe.

It is a civil right to get a good education. So we came up with a plan a few years ago that took up to 2,000 poor children in the metro DC area and sent them to a school of their parents' choice. Washington, DC, spends more than any school District in America per student. The District of Columbia spends over \$15,000 per student per year—three times as much as we spend in my home State of Nevada. Yet the public schools are failing here in Washington. So we decided to design a program to see if we can help some of those kids escape the failing public schools in Washington. We thought: if it works as a pilot project, maybe we can expand it to other places.

Well, the National Education Association has come out with their No. 1 priority, which is to destroy this program. My question is, Why? I believe they are afraid this program is working, so it is a threat to their power. It

is a threat to union member dues. That is unfortunate because when it comes to education, our only concern should be in the quality of education for our children. They need that kind of quality education to compete in the 21st century.

I have a couple other kids to tell my colleagues about.

This is Sanya. She is a beautiful, happy young lady, and is receiving a great education in a private school here in DC. Today, she has a 3.95 GPA. She is the vice president of her class. She is the captain of her soccer team, a player on the lacrosse team, president of the International Club, and she is a peer minister. She is a future leader whom we are going to be taking out of the school she loves if this bill is enacted without my amendment.

Rashawn is 16 years old and a handsome devil. He started school in 1996. His father had him tested and found out he was 3 years behind his grade level. The scholarship program provided him the opportunity to go to the Academia De La Recta Christian Day School. Rashawn said he can now do his classwork with very little help because of the scholarship. His sister, Dominique, who is 14 years of age, is now attending the same school, and these are her words. She says: "I love my school now. I am working on my level on my grade."

Do we really want to take these kids out of their schools? Do we really want to do that? We have to ask ourselves, Do we want to protect this bill and the special interests this bill is addressing so much that we are actually going to pull 1,700 children from lower income families out of the schools they are attending today? I think it is unconscionable that we are going to be doing that.

Breanna Williams is 9 years of age and in the fourth grade. She loves her new school, St. Peters. She is getting all A's and B's. She loves to read and is reading at a level above her grade. In addition, Breanna plays clarinet in the school band. When she grows up, she wants to be a translator and travel the world.

Lastly, I wish to tell my colleagues about Ronald Holassie. He is currently Washington, DC's deputy youth mayor. I had the honor of meeting this young man, and I had the honor of meeting his little brother, Richard. His little brother, Richard, 8 years of age, came to our press conference and stole the show. These are two incredibly bright young men. Ronald, a tenth grader, runs track, he is studying physics, mentoring middle-school students, and absolutely loves every minute of it. As the Youth Deputy Mayor, he considers saving this program his chief legislative priority, because he has seen what it has done for him and what it has done for his little brother.

So individually and collectively these programs are working. We just have to put ourselves in a common-sense position.

There have been some studies quoted here claiming that this program wasn't working. First of all, the studies were incredibly flawed. We pointed out all of the flaws of the study. But we just have to ask ourselves, if 45% of the Senators send their kids to private schools, and they pay a lot of money to do that, would they do that if they thought the educational opportunity was inferior? Of course not. It just makes common sense. Do you think the parents of these 1,700 children would voluntarily send their kids to the DC schools of their choice if these schools were inferior or if their kids weren't getting a better education? Well, of course not.

This is what President Obama's Education Secretary said about the DC scholarship program. He said:

It is a mistake to take kids out of a school where they're happy and safe and satisfied. I think those kids need to stay in their school.

So we need to adopt my amendment to keep the DC scholarship program funded. It is the right thing to do for these kids. Showing them we care more about their education than we do some special interest group is the right thing to do.

So I urge all of my colleagues, when they are voting, to think of Ronald. Think of the kids we have talked about and many others. Instead of doing away with this program, let's study it. Let's study what is working about it. If it is working, let's expand it to other places in the country.

America leads the world when it comes to higher education. Our colleges and universities are the best. One of the reasons they are the best is because you can take a GI bill, student loan or Pell grant, and you have the opportunity to attend any college you desire. You have a choice. About 5 years ago, this program gave these kids a choice. Our public, K-12 school system is in bad shape when compared to the rest of the industrialized world. We are falling behind, especially in science, math and in the technical fields. If we want our kids to have the chance to compete in the 21st century, we have to improve our school system. One of the ways to do that is through competition. This is just a little experiment and a little competition that some people now want to come to this floor and destroy.

So let's think of these kids, and let's think of kids all over America when we are thinking about the educational choices we are going to be making in the Senate. Let's give children in DC a choice. We, as senators, are fortunate enough to have a choice for our children. Forty-five percent of the Senators chose private schools, including the chief opponent of this amendment, Senator DURBIN.

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.

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

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

AMENDMENT NO. 604

Mr. SESSIONS. Mr. President, I hope that in a little bit we will vote in favor of the amendment I have offered to extend the E-Verify system for 5 years. It is time we do that. It is a proven, effective system that brings integrity to our immigration system.

The E-Verify system is up and working today all over America. Between 1,000 and 2,000 businesses a week are signing up voluntarily. Over 112,000 have already signed up. When an applicant submits an application for a position with a company, the company can input their Social Security number into an electronic system, and the computer checks it to see whether it is a valid Social Security number.

People who are not authorized to be in the U.S. know they can use any Social Security number you choose. We found a few years ago that hundreds of people were using the exact same Social Security number to get a job. People were also using the same fake ID and getting jobs in that fashion. E-Verify is a program that would help eliminate the jobs magnet, the ability of a person who enters America illegally to get a job. If employees aren't authorized to work after they have been checked through E-Verify, nobody will be arrested. Police officers are going to be called out. Nobody is going to be put in jail under this system. What would happen is the employer would simply say: You don't qualify. You are not a legal resident. If there is any doubt about it, the applicant has a mechanism to very quickly validate their status if they have a legitimate status to validate. It can make a big difference.

The Heritage Foundation and I believe the Center for Immigration Studies a few days ago did a study, and they estimate that under the stimulus bill, 300,000 people who are not legally American will be given jobs.

My colleagues probably saw the article—I am sure many of my colleagues did—a couple of days ago where 700 people signed up for a janitor's job in Ohio. The American people are seeing an increase in unemployment. I don't think the numbers are going to reach as high as they did in the 1980s—at least that is the testimony we just had at the Budget Committee at two different hearings—where employment reached 9.4 percent, 8.6 percent. People were estimating what unemployment will reach. I don't know what it will reach, but I know a lot of good people are out of work and looking for a job. We created a stimulus package, \$800 billion worth, and that stimulus package was supposed to create jobs. The President says he wants to create 3 million, and we have just been given a report that says almost 10 percent of those jobs could go to people who are in the country unlawfully.

Let me just say as an aside something that worries me. I think every Member of this Congress should be worried about it. Under President Bush's Executive order 12989, which was supposed to be implemented in February of this year, every business that got a contract with the U.S. Government must use the E-Verify system. As I said, over 112,000 are using it voluntarily today.

What worries me is that President Obama pushed back implementation of that Executive Order. He has now put it off until May 21. At the same time, our Democratic leadership is blocking an effort to make E-Verify permanent or even extend it for just 5 years.

What does that signal, I ask? Do we want people here unlawfully in this country to get jobs working for the Government when there are hundreds of people applying for a janitor's job? Do we want contractors who hire illegals to get Government work while Americans cannot get the jobs? I don't think so.

I will just say with regard to extending the E-Verify Program, in the House they had a square vote on it last July. It passed 407 to 2. So now we are not going to put that in this legislation. I was blocked 3 times in my attempt to get a vote on the amendment as part of the stimulus package. At least, I have to say, I am pleased I will apparently get a vote on this bill. But I am troubled with what I am hearing that the leadership is going to put pressure on Democratic Members to vote no. There is a majority there, and if they do, it will not even pass today.

I urge my colleagues to listen to the telephone calls. I am getting calls asking that I vote for it. It is my amendment. People care about this issue. The American people wonder what it is we are doing here. Do we not get it? Do we not understand what this is all about? It is about a jobs package to create jobs for lawful American workers. They can be noncitizens, but they need to be lawfully present in the country.

The first thing you do in dealing with a situation of illegality is stop rewarding it. You do not give them good jobs.

I am amazed there is an objection to this amendment. I had a suspicion that a move was afoot to keep my amendment from passing on the stimulus bill, and that turned out to be correct. In addition to a 5 year extension, the House accepted an amendment making E-Verify mandatory for stimulus money recipients without objection in the House Appropriations Committee. It was in their bill, but Senate leadership was able to block us from getting a vote on it. So we did not get a vote and it was not in the Senate bill.

What happened when they went to conference? Speaker PELOSI and the majority leader meet. They control the conference. And, oh, goodness, they decided the House would concede and the amendment would be taken out of the bill. Since the Senate had not put it in the bill, it would be stripped from the

legislation. That is how the stimulus package passed without any E-Verify extension. I think it has expired now, actually.

We need a long-term extension because it is going to cause businesses that don't use it to wonder whether they should sign up if they do not even know it is going to be a continuing system. It would be very bad.

The new Secretary of Homeland Security, Secretary Napolitano, President Obama's Secretary, says she does favor this program. Michael Chertoff, the previous Secretary of Homeland Security, strongly supported this program. A bipartisan group of people support it. We need to extend it. We need to actually make it permanent, and we need to make it apply to all Government contractors, as even President Bush required in his Executive order, which has now been abrogated by President Obama.

To sum up, this amendment does not make E-Verify required for Government contractors. All it does is extend the E-Verify system for another 5 years. I cannot imagine we would let this cornerstone of a plan to establish a lawful system of immigration to expire. We are on the verge of that now.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

#### AMENDMENT NO. 622

Mr. INHOFE. Mr. President, one of the amendments we are going to have the opportunity to vote on this afternoon is the Thune amendment. I have some strong feelings about it. I wish to make a couple observations that I think are necessary dealing with the fairness doctrine.

As indicated by the vote on Senator DEMINT's amendment to the DC Voting Rights Act, any attempt on the part of any Senator to reinstate the fairness doctrine clearly goes against the will of Congress and the American people. It is a dangerous policy to enact more Government policing of our airwaves.

With the onset of the Internet and other media technology, there are countless sources of information at our fingertips. I can remember, and you can remember, I say to the Chair, many years ago when we had nothing but three networks, and we didn't even have talk shows at that time. Then CNN came along. I guess it was the first cable network.

At the time, there was limited opportunity. As it is now, with all the information that is going around, that is no longer a problem.

Senator DEMINT's amendment addressed this issue. It was similar to the intent of the Thune amendment that will be coming up this afternoon. The DeMint amendment was adopted by a margin of 87 to 11. One would believe, then, that the Thune amendment would pass by an equally substantial margin. However, it was obvious at the

time the vote on the DeMint amendment was merely a political game on the part of some of my colleagues to mask their true intent to regulate broadcast media, and I suspect the vote on this amendment will be different. I encourage my colleagues on the other side of the aisle to hold true to their earlier conviction and pass this measure by an equally substantial margin.

A lot of mail went out after that vote. People were talking about how they were going to protect first amendment rights, and we were not going to try to infringe on the airwaves with the fairness doctrine.

While reinstatement of the fairness doctrine still poses a threat to free speech on the airwaves, the debate over Government regulation of broadcast media has changed. Media ownership diversity and broadcast localism are the new liberal tools they intend to use to regulate the airwaves.

Two weeks ago, in a straight party-line vote, Democrats chose to adopt an amendment—it was amendment No. 591 sponsored by Senator RICHARD DURBIN of Illinois—which calls on the FCC to “encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.”

That is very nebulous, very vague language, just enough to scare people who are in business but not enough to define what they are trying to do. There is no indication in the legislation as to what “encourage and promote diversity” and “in the public interest” means. These clauses can be interpreted by the FCC in any manner they choose.

The Durbin doctrine, as I refer to it, is legislation that is so incredibly vague and so potentially far reaching that there is no certainty what the end result will be. This is not good governance. This is not a good idea.

Another threat to our freedom of speech is a proposal called broadcast localism. We have two different issues. We have localism and then we have, of course, the diversity issue. Neither one is well defined. The FCC gave notice of proposed localism regulations in January of 2008. While the proposal was ultimately dropped, it is indicative of future attempts to regulate the airwaves and is something all Americans need to know about.

Among other things, the proposal would have required radio stations to adhere to programming advice from community advisory boards. It doesn't say what kind of advice. It doesn't say who these boards are. It could be ACORN. It could be just about anybody, I suppose. Then to report every 3 months on the content of their programming, they have to report what the content is when it has been a matter of public record anyway. They talk about how their program reflects the community interest. If you have one biased source of localism, they can dictate the content of broadcast material.

The localism rule, if it were promulgated, would mean that radio stations



would have to comply with blanket regulations and broadcast programming that may not be commercially viable and be forced to take into account the advice of community advisory boards over their regular listeners.

Right now it is market driven. That is what people do not understand. The reason we have content—I admit it is biased on the conservative side because most people are biased on the conservative side. In my State of Oklahoma, it does not matter if you are Democrat or Republican. They are people who are conservative. They want limited Government. They want limited taxation. I think Oklahoma is not the only State that is unique in that respect. Although the rule was ultimately abandoned, President Obama has expressed support for a new localism regulation, and it is expected to come up again under this administration.

Both localism and diversity—those are the keywords—in media ownership will force radio stations to comply with blanket regulations and to broadcast programming that is not commercially viable rather than taking into account the needs of their communities.

I was in Bartonville, OK, last week. There is a guy up there named Kevin Potter who owns a station. That is his whole livelihood. He has been doing it for as many years as I can remember. It is a very competitive business he is in. He has to comply with something if it is specific, but this is so nebulous he doesn't know what he has to comply with. He is panicking that they would have the power under this new regulation to shut him down.

I think what is most concerning to me is the enforcement procedure for breaches of localism and diversity. Certainly, no one has been able to determine what that is or what the definition is.

Senator DURBIN's amendment requires affirmative action on the part of the FCC stating "the Commission shall take actions to encourage and promote diversity." It doesn't stipulate what actions or to what degree but instead leaves the enforcement mechanism up to the determination of the FCC, which is likely to be emboldened by the affirmative language of the amendment. I find it to be extremely dangerous and this, too, should be a concern of everyone.

We tried to do this on the Senate floor, I think it was 2 years ago, when there was an objection that most of the broadcast radio talk shows and television shows were biased on the conservative side. I admit they are. There is no question about that.

There was an attempt made—I think it was Senator HARKIN at that time—to change the content of what our troops overseas would be listening to on the overseas radio.

Frankly, that probably would have passed. We arranged to have a survey done through the Army Times of all

those overseas, and it was 97 percent wanting the market to determine—in other words, the conservative type of programming.

I hope when the Thune amendment comes up that we will support it. To do otherwise, to me, is a little bit disingenuous and would show that the 87 people who voted in favor of the DeMint amendment are not really concerned about it.

I have often been concerned. I hear all over my State of Oklahoma that it is a tough enough business to deal with, to have a station that makes money and survives. On the issue of localism, Kevin Potter told me: We pay attention to localism because we have to sell products. We interrupt these nationally syndicated programs with weather reports and with all the local things.

So localism is there, and it is there because the market demands it, not because Government says you have to do it. I just think, let's let the market take its effect. I will certainly support the Thune amendment and hope that our colleagues will do what they did with the DeMint amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### AMENDMENT NO. 615

Mr. DURBIN. Mr. President, later this afternoon, the Senate will consider an amendment by the Senator from Nevada, Mr. ENSIGN, relative to the DC Voucher Program. Senator ENSIGN has been on the floor several times today to discuss this program. I wanted to make certain the record was clear on both sides as to the issue before us.

This was an experimental program that was started 5 years ago. At that time, under the Bush administration, with a Republican Congress, they made a proposal to the District of Columbia. They basically said: We will give you somewhere in the range of \$14 million to \$18 million for your public schools—which any school district would gladly accept—and another \$14 million to \$18 million for your charter schools if you will use a similar amount to start a DC voucher program. So we started this program 5 years ago and had some \$14 to \$18 million, and it was said to the District of Columbia, we will pay tuition, we will give families up to \$7,500 to pay the tuition of children who want to attend private schools.

The argument was made that the DC Public Schools were not as good as they should be; that many of these children would have a much better opportunity if they attended these voucher schools. So this was an experiment. It had never been tried before. There was some controversy associated with it. I offered amendments in the Appropriations Committee to try to establish what kind of standards there would be at these DC voucher schools. In fact, I thought my amendments were rather straightforward—the kind of amendments most people would take for granted.

The first amendment I offered in the committee said: I hope all the teachers in the DC voucher private schools will have college degrees. That amendment was defeated. The argument was made that we shouldn't restrict the teachers in those schools, who may be nontraditional. They may not have a college diploma. Though we require in the public schools that all teachers have college degrees, they didn't want to require that in the DC voucher schools.

The second amendment I offered said the buildings where the DC voucher schools are being conducted should meet the basic life safety codes—health and fire safety code of the District of Columbia. That was rejected as well because these would be nontraditional buildings. Now what kind of comfort does that give a parent whose kids are going to school—whether it is a public school, a charter school or a voucher school—if there is any question of safety? But my amendment was rejected.

The third amendment I suggested was one I thought was only fair. If we are trying to create a private school voucher so students can have a better learning opportunity, at the end of a year or two we need to measure success. The only way to measure success is if the DC Public Schools and the voucher schools use the same achievement test so we can see if a fourth or fifth grader in one school or the other is doing better. That was rejected too. They wanted no comparison.

Excuse me if I am suspicious of this program if you can't mandate bachelor's degrees for teachers, if you can't mandate the buildings pass the health and safety code of the District of Columbia, and you can't mandate they have the same basic tests so we can compare them. So I went into this skeptical. I thought the fix was on. They were going to create this program with few, if any, rules and take it or leave it.

Well, it went forward and it was funded. After a year or two, the Department of Education and the General Accountability Office took a look at it and they raised serious questions about all this money—these millions of dollars coming into this program in a hurry—and whether they had the proper management techniques, whether they were handling the money right, whether they were giving it out properly, and whether the right families were receiving it—some fundamental accounting and bookkeeping issues which we should ask of every program, particularly those using taxpayers' money. So there was a question of the administration of the program. Then they went on to find some things which were troubling. For example, the GAO report said schools that didn't traditionally charge tuition were now being funded. In other words, they were free schools before we created this program and now they were charging tuition.

What does that mean? For the school year 2006–2007, they offered scholarships to about 30 students in one of

these schools, and a school that traditionally had asked only for a small monthly fee as a sign of commitment to the school. They raised their money from charity and donors. Now, since the Federal Government was here with this DC voucher scholarship program, they decided that 30 of their students should qualify for these scholarships. Well, that comes out to \$210,000 being spent by the Federal Government in a school that traditionally didn't even charge tuition. Does that raise a question? It raised a question in my mind.

They also found out there were a number of schools that lacked these occupancy certificates. Even after I offered this amendment raising a question about the safety of the schools, the schools went on to operate without filing the adequate certificates with the District of Columbia—the City of Washington, DC—that they were safe and that they, in fact, offered the kind of facilities they said they did. The GAO report said District officials provided documentation indicating that 3 of 18 schools the GAO selected for review lacked certificates of occupancy—3 out of 18. Six of them had permits that did not specify their use as a private school, child development center or before and after school care center, and 7 of the 18 appeared to have occupancy permits that designated use as child development centers with before and after school care.

It turned out there wasn't a consistent presentation by these schools of what they were. They included in the GAO report photos of two of these schools. One of these schools looked like a single-family residence in a neighborhood where they were supposedly holding school in the basement. Another one looked like some kind of commercial building. It didn't look like a school at all. It raised a question in my mind as to why we would allow them to get by with this. If they were receiving Federal money to sustain their program, at a minimum they ought to have teachers with a bachelor's degree, they ought to meet the requirements of safety, and they ought to have a test they can compare with the DC Public Schools. They didn't.

Now, what happened? The program was 5 years in duration. It was described as a pilot program—an experimental program—and the idea was, at the end of the day, to take a measurement as to whether this worked: Did this provide better education for the millions of dollars we put into it? Well, if we followed the law, that program would have expired in June of this year. I was in charge of the Appropriations Committee for the District of Columbia, and I decided that wasn't fair to the 1,700 students currently in the DC voucher scholarship program. To cut them off as of June of this year, without any certainty as to what is going to happen the next year, I thought was unfair to the students and their families. So instead of ending the

program, which would have happened without an authorization, I extended it 1 year so it will cover the students in these programs for the school year 2009–2010.

I thought that was fair. And I said in that period of time Congress had to do its job. We had to go in and ask these questions about the schools: Are they working? Are they worth the money spent? Are the teachers doing a good job? Are the students better off at the end of the day?

Senator ENSIGN has brought some impressive photographs of young students who have been successful using this program, but we have to ask about 1,700 students and what is working and what isn't.

The second thing we said in the bill which we are considering is that this is a program that affects one public school district—Washington, DC—that is managed by the DC City Council. I believe that if they are going to extend this program beyond next school year, the government of Washington, DC, should decide whether they want it in their school district. I wouldn't want it in Chicago—which I am proud to represent, or in Springfield, IL, my hometown—to have someone come in from the Federal Government and say: We are creating a new school program here. We don't care what the local voters say or the local school board says. We are from the Federal Government; we are only here to help you.

I don't buy that logic. So we said those two things are required: Reauthorize the program, have the DC City Council approve the program, and then we can consider going forward. Now, the committee that considers this reauthorization is not a hostile and angry committee. It is chaired by Senator JOE LIEBERMAN from Connecticut, who has expressed his support for the DC voucher program. So it isn't as if I am sending it to a committee that is going to deep six it and forget it. He is going to have a hearing about the future of the DC voucher schools. Senator ENSIGN, who comes to the floor and argues we should not ask the questions, we should not demand reauthorization, we should not ask the DC City Council whether they want the program to continue, is also a member of that committee. So he will have his chance under the bill that is before us to make this evaluation.

Now, let me be very candid about this. Half the students are in Catholic schools. The archdiocese of Washington is offering education to many of these students. I have had teachers and parents and others who have come to me and said it is working. A lot of these kids who otherwise wouldn't be getting a good education are getting a good education. I don't believe the archdiocese and schools should be frightened by this examination. If they are doing what they say they are doing—and I trust they are—this examination is going to prove it, and they are going to find out, at the end of the day, that the money is being well spent.

In the recent version of the Catholic newspaper here, which was published in the Washington, DC, area—and I will not read it in detail—there was some language about how a reauthorization could take years. Well, that is not the fact. It can be done on a very expeditious basis by the committee. Senator REID, the majority leader, has said he will bring this matter to the floor for consideration.

Let us assess where we are with this DC voucher program, which would have expired in June of this year. We have extended it another year. We have said the 1,700 students are protected. They can continue to go to the schools they are attending right now. We have said that in that period of time Congress will take a look at the program and decide if the money is well spent and then report a bill if they want to reauthorize the program to the Senate floor for consideration. I think that is fair.

I hope those who are opposed to my language in this bill can come before the Senate and explain the alternative. If we are going to continue this program, literally for millions of dollars each year, and never ask any questions, it is not only unfair to taxpayers, it is unfair to the students. We have to make sure this is working and working effectively.

I had it within my power, I believe, to have ended this program, as promised, in June of 2009. I didn't do it. I extended it for an additional year. So those who argue the language in this bill kills this program are ignoring the obvious.

Mr. President, I yield the floor.

AMENDMENT NO. 665, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that at 4:15 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed, with the time until 4:15 p.m. equally divided and controlled between the leaders or their designees, that the Bunning amendment No. 665 be withdrawn as soon as this order is entered; Cornyn No. 673; Cornyn No. 674; Thune No. 662; Sessions No. 604; Ensign No. 615; that there be 4 minutes equally divided and controlled prior to the Ensign vote; and Vitter No. 621; provided further that prior to the vote in relation to amendment No. 621, the majority leader be recognized, and that the time the majority leader consumes not count as time against the debate time previously provided under the orders of March 6 and 9; further that the other relevant provisions of those previous orders remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, amendment No. 665 is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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. Mr. President, I ask unanimous consent that during the quorum call the time remaining between now and the time the vote is scheduled be evenly divided between the two sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) Without objection, it is so ordered.

#### AMENDMENT NO. 673

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 673, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, if amendment No. 673 is adopted, State attorneys general could still enforce the Truth in Lending Act, they can still hire outside counsel, they just could not do so on a contingency fee basis.

Contingency fee contracts offer three hazards in this context that are not presented with more traditional fee arrangements. First, there is a serious risk of overcompensating the lawyer at a loss to taxpayers, since typically they work on 30 percent up to 50 percent of whatever is recovered goes to the lawyers and not to the taxpayers, as should be the case.

Second, the proposed prospect of contingency fees actually creates an incentive for trial lawyers to encourage litigation that State would not otherwise bring. State attorneys general could initiate this litigation when it is in the public interest. With contingency arrangements, too often the lawyer decides who should initiate the case because, of course, of the profit motive. And this undermines the current regulatory regime.

Third, contingency fee agreements have been proven to be a temptation for corruption.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. For that reason I ask my colleagues to support the amendment.

Mr. PRYOR. Mr. President, I rise in opposition to the Cornyn amendment, and I do this for three reasons. First, the Federal Trade Commission does not have the resources to pursue all bad actors in the lending markets under their jurisdiction.

The States need the ability to enforce what the FTC is doing in their State. Occasionally State governments do not have adequate resources or the expertise on these very complicated matters. Sometimes they need outside counsel. And in order to get outside counsel, they need to put that in a contingency fee in many cases.

Also, I have great concern that this amendment may be unconstitutional. I am not sure that the Congress can limit the States' ability to bring an action or to structure a contract for outside counsel.

So for those three reasons, I would respectfully ask my colleagues to vote against the Cornyn amendment.

I thank everybody for their hard work.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

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

The result was announced—yeas 32, nays 64, as follows:

#### [Rollcall Vote No. 90 Leg.]

#### YEAS—32

Alexander	Cornyn	McCain
Barrasso	DeMint	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Kyl	Wicker
Corker	Lugar	

#### NAYS—64

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

#### NOT VOTING—3

Gillibrand	Johannes	Kennedy
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The amendment (No. 673) was rejected.

Mr. NELSON of Florida. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 674

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 674 offered by the Senator from Texas, Mr. CORNYN.

Mr. CORNYN. Mr. President, my amendment would protect workers' paychecks and promote transparency. Currently, the NLRB permits an employer and union to enter into a contract that requires all employees in a bargaining unit to pay union dues as a condition of employment whether or not the employee actually is a member of the union.

In a Supreme Court case recently, *Communication Workers v. Beck*, the Court ruled that nonunion workers could get a refund for that portion of their dues which would be used for political action or other purposes other than collective bargaining. President Obama has now changed the rules by Executive order, and now Federal contractors are no longer required to post signs in the workplace informing workers of their rights regarding union dues. President Obama's Executive order does not change the law, for workers are still entitled to the refund. It is just that now, under the Executive order, employers don't have to tell the workers of their rights, which they should.

My amendment prohibits omnibus funds from being used for this provision of the Executive order. I ask my colleagues for their support.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DURBIN. Mr. President, I rise to oppose the Cornyn amendment and urge my colleagues to oppose it as well.

On January 30, President Obama issued Executive Order 13496 to inform Federal contractor employees of their rights under Federal labor law. Under the Executive order, there are 120 days of rulemaking to prescribe the size, form, and content of this notice to be posted. In other words, it is underway at this moment.

I am opposed to this amendment because we didn't restrict the ability of former President Bush to inform employees of Federal employers of their labor rights. We should allow President Obama the same opportunity.

I urge Members to vote no.

The PRESIDING OFFICER. All time has expired.

Mr. MARTINEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 91 Leg.]

#### YEAS—38

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

#### NAYS—59

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

#### NOT VOTING—2

Johannes Kennedy

The amendment (No. 674) was rejected.

#### AMENDMENT NO. 662

The PRESIDING OFFICER (Mrs. MCCASKILL). Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 662, offered by the Senator from South Dakota, Mr. THUNE.

Who yields time? The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, amendment No. 662 is simply a prohibition on funding being used to implement the fairness doctrine.

A couple of weeks ago, the Senate had a vote, and 87 Members of the Senate voted for a statutory prohibition on reinstating the fairness doctrine. In fact, the appropriations bill last year included similar language to what I am proposing in my amendment that would prohibit the FCC from using funds, appropriating funds to implement the fairness doctrine. So it is consistent with what the appropriations bill included last year. It was not included in this year's bill. All this simply does is makes it consistent with what we did in last year's appropriations bill.

Furthermore, the legislation that was actually passed by the Senate 2 weeks ago, the DC voting rights bill, my hope is the prohibition on imple-

menting the fairness doctrine will stay in that legislation, but I have a fear that when it gets to conference with the House, it might be stripped out. This is yet another way of ensuring that funds will not be used to implement this very bad idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Madam President, this amendment is unnecessary. There is no funding in the bill to reinstate the fairness doctrine. The bill does not contain any provisions directing the FCC to reinstate the doctrine. President Obama does not support it. The FCC has no plans to reinstate the doctrine. Opposition to the amendment is not based on substance, it is based on fact. It does not belong in the bill.

Things have changed since the fairness doctrine was adopted in 1949. Today, there are more ways than ever to hear a variety of opinions on any issue. We have hundreds of channels on cable TV, over 14,000 AM and FM stations, and we have the Internet. Therefore, we don't need it.

I urge a "no" vote.

Mr. THUNE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 92 Leg.]

#### YEAS—47

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

#### NAYS—50

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

#### NOT VOTING—2

Johannes Kennedy

The amendment (No. 662) was rejected.

Mr. KERRY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 604

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided prior to a vote in relation to amendment No. 604 offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama is recognized for 2 minutes.

Mr. SESSIONS. Madam President, 1 minute or 2 minutes?

The PRESIDING OFFICER. Excuse me, 1 minute.

Mr. SESSIONS. Madam President, this amendment simply will extend the authorization for the E-Verify system for 5 years. On this current bill, it will be extended only for 6 months. I ask why we would not make it a more extended period of time unless we have doubts about it, unless we don't like it, unless we are looking for a way to eliminate it.

It is the core system businesses are signing up to use voluntarily. Over 100,000 are now using it. They punch in a Social Security number and determine whether the job applicant who is before them is legally authorized to be employed, if they are legally in the country. That is what it is. It is not required to be used even in Government contracts. It does not require there to be any police officers, detention spaces, or any enforcement. It simply allows businesses to use this system voluntarily.

We cannot allow it to expire. I am amazed we are not extending it permanently. We need to do that. And we need to soon pass legislation, which this bill does not do, that would require all Government contractors to use the system because that would have been the law as of January until President Obama stopped that Executive Order.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, my good friend from Alabama knows that the bill contains an extension of the E-Verify Program through September 30 of this year. I share his frustration about short-term extensions. Similarly, I have been trying to work in good faith to extend the EB-5 Regional Center Program, which is as important to Alabama as it is to Vermont.

Much to the detriment of the economic benefits created by the EB-5 program, such as capital investments and new jobs in American communities, the Senator from Alabama and others have refused to pass an EB-5 extension without simultaneously extending the E-Verify Program. I believe they should both be extended.

While I have no objection to reauthorizing the E-Verify Program for a longer term, so long as it remains voluntary and free of mandates, I cannot vote for one that leaves the EB-5 program behind.

Besides, in the context of this bill which has to be passed and enacted to keep the Federal Government running, this amendment is inappropriate. It is the wrong action at this time and would jeopardize the swift passage of this legislation.

I support the efforts of Chairman INOUE, Senator BYRD, and others to oppose it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. Madam President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Madam President, I ask the Senate to allow me to make a statement prior to this next vote.

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

#### TRIBUTE TO SENATOR LEAHY

Mr. REID. Madam President, I pause to honor the senior Senator from Vermont, PATRICK LEAHY, chairman of the Judiciary Committee. He will cast his 13,000th vote.

(Applause.)

This is a remarkable tally that few men or women in the hallowed history of this Chamber can match. But I guess what we note most about our friend from Vermont—I think I can say “we”—is not the quantity of his votes so much as the quality. In his 3½ decades of service in the Senate, PAT LEAHY has been a reliable friend in the cause of justice.

PAT was elected to the Senate at the age of 34. Few gave this young prosecutor from Burlington much of a chance to win. After all, not a single Democrat had ever been elected to the U.S. Senate from Vermont. And, of course, Vermont was one of our early States.

Senator LEAHY recalls that the Republican Senator George Aiken was asked by some to resign his seat a day early to give Senator LEAHY a headstart in seniority among his fellow freshmen, which you could do. Senator LEAHY recalls Senator Aiken replying:

If Vermont is foolish enough to elect a Democrat, let him be number 100.

On the contrary, the people of Vermont acted wisely by sending PATRICK LEAHY to Washington and sent him again and again and again and again.

As chairman of the Judiciary Committee, Senator LEAHY has been a national leader for an independent judiciary, the promotion of equal rights, and

the protection of our Constitution. He also has been chairman in the past of our Agriculture Committee, where he did remarkably good work protecting the State of Vermont and all agricultural interests. As a senior member of the Appropriations committee, Senator LEAHY has ensured that all communities throughout Vermont and across America have access to the tools they need to grow and to prosper. Senator LEAHY is a leading voice for conservation and environmental protection. He has led the charge to expand broadband access to rural communities.

Senator LEAHY is also a leader on foreign policy, working to protect human rights across the world while ensuring our men and women in uniform have the training, equipment, and respect they need and deserve.

This is a fine man, and it can best be shown as a result of his wonderful wife Marcelle. I am fortunate to call Senator LEAHY my friend. I am fortunate I have had the good fortune of being able to serve in the Senate with this senior Senator from the State of Vermont, PATRICK LEAHY.

Congratulations, PATRICK, on your 13,000th vote as a U.S. Senator.

(Applause.)

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Madam President, let me add to our friend and colleague from Vermont for this side of the aisle how much we admire and respect his extraordinary record. He and I had an opportunity to serve together as either ranking member or chairman—we switched hats several times—of the Foreign Operations Subcommittee of Appropriations.

I will pick out one area for which I think PAT LEAHY is known around the world, and that is his efforts with regard to demining all over the world.

He has made an extraordinary contribution, not only to his State but his Nation. I know I speak for all Republicans in congratulating my friend from Vermont for his—how many votes is this?—13,000th vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I join in congratulating the distinguished senior Senator from Vermont. I have had the pleasure of knowing him longer than his Senate colleagues because we met in 1970 at a district attorneys convention where I was the host in Philadelphia. We have been fast friends ever since, going on the 29th year I have been working with him on the Judiciary Committee and on the Appropriations Committee. We have disagreed very infrequently. Mostly, we have been able to carry forward bipartisanship, which has been in the interest of the Senate and in the interest of the country.

I could commend him for many of his votes, but I would pick out his vote in favor of Chief Justice Roberts at a time when there were considerable political

considerations and strengths against an affirmative vote. He saw the importance of a unifying factor being the ranking member—I chaired at that time—and saw the importance of a unifying factor with a courageous vote.

He has been an extraordinary Senator. I look forward to seeing him serve many years, and I hope to serve with him.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I don't want to hold up the votes, but I do want to thank my dear friend, the majority leader, and my good friend, the Republican leader, for their kind remarks and, of course, my friend, the senior Senator from Pennsylvania. As he said, we first knew each other when we were much younger and prosecutors.

I will just take a moment. When Marcelle and I first came here in January 1975 with three young children—Kevin, Alicia, and Mark—we never thought we would be here this long. I have enjoyed every moment of it. But especially, I have served with hundreds and hundreds of Senators, both Republican and Democratic Senators. I have enjoyed my relationship with every single one of the men and women with whom I have had the privilege to serve.

We have often said we are the conscience of the Nation—the Senate. Only 100 of us have the privilege to serve here at any given time to represent a great and wonderful Nation of 300 million people. It is a privilege, and it is an honor.

I thank my colleagues for this tribute. This is something I will long remember.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 93 Leg.]

#### YEAS—50

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

## NAYS—47

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Baucus	Enzi	Nelson (NE)
Bayh	Graham	Risch
Bennett	Grassley	Roberts
Bond	Gregg	Sessions
Brownback	Hatch	Shelby
Bunning	Hutchison	Snowe
Burr	Inhofe	Specter
Chambliss	Isakson	Tester
Coburn	Klobuchar	Thune
Cochran	Kyl	Vitter
Collins	Lugar	Voivovich
Corker	Martinez	Webb
Cornyn	McCain	Wicker
Crapo	McCaskey	

## NOT VOTING—2

Johanns Kennedy

The motion was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 615

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 615, offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, in the underlying bill there is language addressing the DC Opportunity Scholarship Program that would effectively, after next year, kill the program. It requires that not only it be reauthorized by Congress but also that the DC City Council approve the program. There are 1,700 kids from families making an average of less than \$24,000 a year that now participate in this program. The parents love this program. The kids love this program. I am a big believer in the public school system, but the DC Public Schools, which spend more than any other school district in the country, over \$15,000 per student per year, are failing too many kids in Washington. So this program was put in to give some low-income kids the opportunity to succeed.

Guess what. They are thriving in this program. Earlier, the senior Senator from Illinois said we have to make sure all the teachers have 4-year degrees. The omnibus bill before us requires that. My amendment does not touch that requirement. He also says we have to make sure they are in structurally safe schools. The bill before us requires that. My amendment does not touch that. So those are both side issues that are not affected at all by my amendment.

We need to put special interests aside and focus on the children from Washington, DC, especially those low-income children.

I ask unanimous consent that this letter from the Mayor of Washington, DC, Adrian Fenty, be printed in the RECORD.

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

WASHINGTON, DC,  
March 10, 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for contacting me about the DC Opportunity Scholarship Program. I appreciate your continued interest in matters that are vitally important to the residents of the District of Columbia.

As my staff had the opportunity to advise your staff last week, the position of the Administration is consistent with our position during the last two budgets—we support the three sector approach initiated by the Williams Administration because in the past two years the District has made tremendous strides toward improving the educational experience of all students.

Accordingly, we do not support any measures that would reverse the three sector approach or strategy. We further agree with Secretary of Education Arne Duncan: that while the ultimate goal is to fix the entire school system it would not be productive to disrupt the education of children who are presently enrolled in private schools through the DC Opportunity Scholarship Program.

Once again, thank you for your inquiry and continued support of the District of Columbia. If you have any questions please feel free to contact me or Bridget Davis in my Office of Policy and Legislative Affairs.

Sincerely,

ADRIAN M. FENTY,  
Mayor.

Mr. ENSIGN. Mayor Fenty is agreeing with the Education Secretary, who says these kids should not be pulled out of this program, and this program should not end. There are so many scholarship recipients across this town who want to stay in their private schools. We should stand up for the kids and not the special interest groups, such as the National Education Association, that want to end this program.

Mr. VOINOVICH. Madam President, I rise in support of the amendment by Senator ENSIGN to continue funding for the DC Opportunity Scholarship Program, which has given thousands of children in the District of Columbia a chance to escape failing schools. Unfortunately, the underlying bill contains language which would have a devastating impact on low-income families in the District of Columbia by prematurely ending the program.

Many of us are outraged that a Member of the Senate has included a provision to kill the program. The provision has not gone unnoticed. On March 6 The Washington Post asked why “anyone would want to force children out of schools where they are happy, safe and satisfied” and on March 9, Newsweek asked why lawmakers would consider stopping a \$14 million program which is a “rounding error” on the General Motors bailout figure. Finally, The Wall Street Journal calls it what it is: “perhaps the most odious of double standards in American life today: the way some of our loudest champions of public education vote to keep other people’s children—mostly inner-city blacks and Latinos—trapped in schools where they’d never let their own kids set foot.” Whoever is responsible

should be ashamed and admit who put them up to it. I think I know who is behind efforts to end this program.

The program provides 1,700 children with scholarships of up to \$7,500 each to attend the school of their choice. To qualify, students must live in the District and have a household income of no more than 18 percent of the poverty line. For 2008–2009, the average income for families using the program was just over \$23,000 a year.

Since 2004 when the program began, approximately 7,200 families have applied for spots in the program—nearly four applicants for each available scholarship. It is a program that has repeatedly shown improved family satisfaction and increase parental involvement.

The students themselves are perhaps the best testimonials. Tiffany Dunston, valedictorian of Archbishop Carroll High School’s class of 2008, who was a four year scholarship recipient, is now studying biochemistry at Syracuse University. Tiffany’s thoughts on the program underscore why this program must continue: “I am determined to build a better life and want others in my community to have that chance as well.” Another scholarship student, Ronald Holassie, was recently sworn in as deputy youth mayor for the District. Ronald says he “wouldn’t be where he is today” without his scholarship.

It is premature to add conditions to this important program. This spring, Congress will have the results of the comprehensive analysis of the program. Chairman LIEBERMAN has committed to holding a hearing to review the program and discuss proposals for improvement in advance of the Senate’s debate on reauthorization. I appreciate the majority leader’s commitment to a fair debate on long-term reauthorization.

My colleagues know that I have been through this fight before. As Governor I supported opportunity scholarships for Cleveland in 1992. With hard work and dedication, we managed to get the bill through in 1995 and within 3 years, over 3,600 children were attending the school of their choice. Just last year, there were over 6,000 students participating!

It wasn’t easy. After we stood-up the Cleveland Scholarship and Tutoring Program, the American Federation of Teachers, National Education Association, and others filed a lawsuit and for nearly a decade Ohioans fought for the program. All along I had advocated that the program was constitutional. I will never forget the day when the U.S. Supreme Court agreed the program was constitutional in *Zelman v. Simmons-Harris*, 536 U.S. 639, on June 27, 2002. The program continues to thrive and expand because of its success. I consider it one of the major contributions to our country’s educational system. It is a morsel on our smorgasbord of educational opportunities.

And the benefits go far beyond the academic. A study by the Buckeye Institute found that students involved in



the Cleveland program are gaining access to a more integrated school experience. Here in Washington, a Georgetown University study found that with their children in safer schools, parents were free to focus on their child's academic development and the school's curriculum.

Now, after so much progress and money invested, some Members of Congress wish to establish premature roadblocks for the program. What is lost in the underlying language is the need for the children of the District of Columbia to have every opportunity to receive a high-quality education. How offensive for Members of Congress, many with the means to send their children to any school, to limit the ability of District students to do the same.

Just last week, one of my esteemed colleagues came to the floor and discussed how he had sent his children to private Catholic School. He said that it was a family decision and that they made the "extra sacrifice" to pay for it. What my colleague fails to realize is that many of the parochial schools that participate in the program do so because they are giving witness to the Second Great Commandment.

During the State of the Union, President Obama said that "good education is no longer just a pathway to opportunity—it is a prerequisite . . . to ensure that every child has access to a complete and competitive education—from the day they are born to the day they begin a career." The DC Opportunity Scholarship Program provides District students the pathway to meet the President's goal. Shame on the President for not getting involved and telling his friends in the Senate how embarrassed he is about what they are attempting to do to the DC Opportunity Scholarship Program in this bill.

Two weeks ago, the Senate voted by supermajority to give voting rights to the District of Columbia—which I was proud to cosponsor. I am sure if we were to let parents in the District vote on this amendment—let the parents tell Congress what they want for their children—their answer would be to continue funding the DC Opportunity Scholarship Program.

The language in the base bill takes away the opportunity for parents of limited means to choose the best education available for their children. The Omnibus appropriations bill provides \$410 billion to fund Federal programs through the end of the fiscal year. Surely my colleagues would be willing to continue to spend \$14 million on a program that continues to give quality education to thousands of deserving children.

I urge my colleagues to support the amendment.

I wanted to briefly comment on the remarks by the senior Senator from New York in opposition to Ensign amendment 615 to H.R. 1105. The Senator emphasized the importance of local support for educational programs.

My colleagues may be interested to know that the DC Opportunity Scholarship Program had the support of the District of Columbia government when it was created.

On June 24, 2003, in testimony before the House Committee on Government Reform, then District of Columbia Mayor Anthony Williams testified, "I support the President's desire to create a scholarship program in the District. I believe, if done effectively, such a program could truly expand choice to low-income families, who currently do not have the same freedom of choice enjoyed by more affluent families."

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Madam President, 5 years ago we created an experimental pilot plan for 5 years that would expire in June of this year. Rather than let it expire and these 1,700 students and their families be disadvantaged, we extended it for a year in this bill. What is going to happen in the course of that year? Senator LIEBERMAN's committee is going to take a close look to see if the over \$70 million we spent on this program has worked. Are the students getting a good education, better than they would in public schools, better than in charter schools? Are the teachers competent in this program? Are the schools they are learning in safe buildings?

These are fundamental questions we should ask of every school program. I do not understand reluctance on the other side to have an honest evaluation of the program that has cost us over \$70 million in taxpayer funds.

At the end of the day, those schools that are doing a good job will be given good grades. Those that are failing in this process do not deserve to be renewed. I have extended this program for a year in the bill, and the other provision, which I am going to allow Senator SCHUMER to address, gives to the DC City Council the same thing you would want the Las Vegas City Council to have if Congress tried to impose a program on them.

I yield my remaining time to Senator SCHUMER.

Mr. SCHUMER. I thank my colleague for his excellent remarks. The bottom line is this: On the issue of vouchers in DC schools, some people are for them; some people are against them. We are all for our local school districts determining what they ought to do. I would not want Washington to tell any of my 800 school districts in New York they must have vouchers or they can't have vouchers. Yet this law, which was put on the books 5 years ago, forces DC to use the program.

The amendment is very simple. It says leave it up to the DC City Council. I think every one of us would support that kind of independence and autonomy for our local school boards.

I yield the floor.

Mr. ENSIGN. Is there any time remaining?

The PRESIDING OFFICER. There is no time remaining. The question is on agreeing to the amendment.

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

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

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

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 94 Leg.]

#### YEAS—39

Alexander	Cornyn	Lugar
Barrasso	DeMint	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Byrd	Hatch	Shelby
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Kyl	Warner
Corker	Lieberman	Wicker

#### NAYS—58

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

#### NOT VOTING—2

Johannes Kennedy

The amendment (No. 615) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

#### UNANIMOUS CONSENT REQUEST—S. 542

Mr. REID. Mr. President, last week the junior Senator from Louisiana offered an amendment to the Omnibus appropriations bill that would change the way the cost-of-living adjustments are given to Members of the House and the Senate. The bill before us, which has already passed the House, ensures there will be no cost-of-living adjustment in 2010. Most Senators, me included, have indicated support for that provision that is in this bill.

Senator VITTER's amendment would require the House and the Senate to vote every year on cost-of-living adjustments rather than having those adjustments take effect immediately. I

agree with Senator VITTER that cost-of-living adjustments for Members of Congress should not be automatic. That is why I introduced a freestanding bill last week that would do just that. That is why we seek consent to pass this bill before we are scheduled to vote on the amendment by the Senator from Louisiana.

By passing this legislation as a stand-alone, it can become law without threatening completion of this appropriations bill. If Senators want to demonstrate their support for the proposed automatic cost-of-living adjustments, they can and should support my stand-alone legislation. It is fiscally responsible, responsible to the state of our economy, and will allow us to continue the good progress we have made toward passing this bill.

Objecting to this request will have two negative results: It will jeopardize our ability to pass legislation ending the automatic COLAs, and it will deal a serious blow to our efforts to pass this appropriations bill. Any Senator who wishes to end the automatic COLA should support this consent request I will shortly make. Likewise, any Senator who wishes to move forward with the omnibus will support my request. The only way to accomplish these objectives is to support my request, take up and pass the stand-alone pay adjustment bill.

I urge all of my colleagues to support this unanimous consent pay request.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 29, S. 542, a bill which repeals the provisions of law to provide for an automatic pay adjustment to Members of Congress; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

This is a serious piece of legislation. It accomplishes what the Senator from Louisiana obviously wants to accomplish. I would hope we can do this tonight. It would end all discussion on autopay adjustments. We should do that.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I believe the way to actually get this done, to actually pass this into law, is to include it in a must-pass bill, such as the appropriations bill before us, not to point to a stand-alone to give people cover for votes; a bill that would not be taken up on the floor of the House. So in that regard I would simply ask the majority leader, does he have a commitment from the Speaker of the House that his bill will be given a vote on the House floor in the near future?

Mr. REID. Mr. President, it is obvious that this is an important issue. We have an economy that is in distress. That is why we should pass this. I have not gotten commitments from anyone

in the House. But it seems to me there is tremendous movement to get this accomplished.

I say to my friend from Louisiana, this is an important piece of legislation. We should go ahead and pass this. We know there are not going to be any amendments to the appropriations bill that I can get through the House. That is clear.

Everyone read in the newspaper what happened there Thursday night. So I would hope that in good faith this is not an effort to avoid anything, this is not an effort to try to play any legislative games. This is important legislation, I repeat for the third time, that we should adopt, and the House will take care of this itself.

Now, for me to stand and say what the House is going to do—I think it is pretty clear that with what is going on around the rest of the country, there is going to be significant support for this legislation, as I hope there is here in this body.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

Ms. STABENOW. Would the majority leader yield for a question?

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Well, certainly I agree with the distinguished majority leader on one point: there is movement on this issue. Just 12 hours after I was finally able to secure a vote on my amendment, after being blocked at every turn for a week, the majority leader himself adopted the cause and introduced, out of the blue, a stand-alone amendment. I wish he had been with his colleague, Senator FEINGOLD, on this issue since at least the year 2000, when Senator FEINGOLD has had legislation on the topic. I applaud Senator FEINGOLD for that.

But, again, I renew my objection because I think this stand-alone bill is nothing more than cover, nothing more than something to point to, when it will not be taken up on the floor of the House. I would be happy to lift my objection to the majority leader's stand-alone bill if the Speaker of the House publicly commits to a vote of his bill on the House floor in the very near future.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I will certainly yield to my friend from Michigan.

Mr. President, I did not block his amendment last week. I never heard from him until we were here Thursday night, late. I have had a number of Republicans come to me—as I look through this crowd here, there were a number of Senators who came to me and said: We would like our amendments to be offered. There was general agreement Thursday night after final passage did not take place; Senators told me they wanted to offer amendments. They talked during the week the same way.

So I did not block his amendment. The Democrats did not block it. No one knew he wanted to offer it, that I know of, on this side of the aisle.

I am using leader time so no one feels constrained.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I say to the majority leader, is it not true that if this amendment were to pass on this bill, that, in fact, it would never take effect because it will not be taken up in the House? But if we pass it independently, as our leader has put forward, and we all support it, it would, in fact, pass immediately in the Senate and then go to the House for consideration?

Mr. REID. I say to my friend from Michigan, it is clear as the daylight hour that my friend from Louisiana doesn't want the underlying bill to pass. Common sense dictates the best way to go is by adopting this consent agreement I made.

Let me also say this: I will be happy to ask consent—I ask unanimous consent the Senate proceed to consideration of Calendar No. 29, this legislation, S. 542, tomorrow, March 11, at 3 p.m. I make a commitment that I will bring this bill up. If there are people who don't want to agree to this tonight, assuming the Senator from Louisiana is that person, I will bring it up some other time. I am committed to doing this.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving the right to object, again, unfortunately, the same game is at work. I would object. I would also be happy to lift my objection if the Speaker of the House would offer a public commitment to give Senator REID's bill a vote on the House floor in the near future.

Mr. REID. Mr. President, to show how—what is the right word—how Senator VITTER is not serious, he knows that I can't represent what the Speaker is going to do. She doesn't know I am here doing this. She runs her little show over there, and I do my best to have some input on what happens here. But I can't make that kind of commitment.

I can't imagine why anyone would object to our passing this. It would move this down the road a long way. I am sorry the Senator from Louisiana obviously is not serious about passing this legislation, because I have asked that we do it right now. I have asked that we go to it tomorrow. He objects.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection.

The PRESIDING OFFICER. Objection is heard.

#### AMENDMENT NO. 621

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 621 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Mr. President, in this economy there are millions of Americans who are seeing their savings dwindle to nothing, who are losing their jobs, their homes. Yet they also see, as recently as last January 1, Members of Congress getting an automatic pay raise, in that instance \$4,700. It is wrong. The system that has these pay raises on autopilot is wrong. We should have full, open debates and votes. That is what my amendment would ensure.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, Senator VITTER wants to bring this bill down. He wants to score political points. Do you know what is in this bill? We stop our pay raise from next year. He wants to bring this bill down. We stop our pay raise in this bill. Senator REID offered a unanimous consent request. All of us could have gone right down the aisle here together saying every year we vote on a cost-of-living raise. So don't be fooled by this. The people need our help, the help that is offered in this bill. People are unemployed. There is funding in this bill to get them back to work, to do the business of government. This bill stops our pay raise. This is a cheap shot, in my opinion. We ought to vote no.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The Senator from California is absolutely right. If this bill goes down, the work we have done, in keeping with Senator FEINGOLD—that is, to not have a cost-of-living adjustment next year—we would have to start all over. This is wrong. We should move forward and defeat this amendment.

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

The PRESIDING OFFICER. The Senator has 22 seconds.

Mr. VITTER. People do need our help and the people are watching. So if you want to change the law that puts our pay raises on autopilot while they suffer, that system, not pass on it one year but change that law, vote for this amendment. If you want to kill that concept, vote against the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. I move to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. REID. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second on the yeas and nays on the motion to table?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

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

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—52

Akaka	Gillibrand	Mikulski
Baucus	Gregg	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burr	Kerry	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Warner
Conrad	Lugar	Whitehouse
Dorgan	Martinez	Wicker
Durbin	Menendez	
Feinstein	Merkley	

NAYS—45

Alexander	Dodd	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Risch
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Tester
Collins	Klobuchar	Thune
Corker	Kyl	Vitter
Cornyn	Lincoln	Voinovich
Crapo	McCain	Webb
DeMint	McCaskill	Wyden

NOT VOTING—2

Johannes

Kennedy

The motion was agreed to.

Mr. KERRY. Mr. President, I opposed the amendment offered by Senator VITTER to the Fiscal Year 2009 Omnibus appropriations bill that would repeal the automatic cost of living adjustment, COLA, for Members of Congress starting in fiscal year 2010. The Omnibus appropriations bill already eliminates the Members of Congress COLA for fiscal year 2010. I choose to give my COLA to worthy charities because I know that many families in Massachusetts and across the Nation are struggling to make ends meet and need help.

I opposed the Vitter amendment because it could have jeopardized the enactment of the omnibus legislation which includes critical investments in America's future. Given the process of the bill winding its way through Congress, the Vitter amendment would have essentially stopped the omnibus in its tracks. We can't afford to have this bill delayed. The bill increases our energy security by prioritizing research and development of renewable energy and energy efficiency including solar power, biofuels, vehicle technologies, energy-efficient buildings, and advanced energy research. It also includes strong investments into cutting-edge science so that our Nation will maintain its preeminence in the global economy and create new jobs. The bill also keeps Americans safe by supporting the Community Oriented

Policing Services, or COPS program, and the Byrne justice assistance grants, which help State and local law enforcement fight and prevent crime in communities across America.

The Vitter amendment should be considered on another legislative vehicle that would not jeopardize our national priorities.

Mr. CASEY. Mr. President, I support annual votes on congressional pay raises to avoid automatic cost of living increases. I was a cosponsor of an alternative by Senator REID that would have accomplished this goal without derailing the Omnibus appropriations bill. The underlying Omnibus appropriations bill cancels the pay raise that would have gone into effect in January 2010. Additionally, I have previously stated that I will give the 2009 cost of living increase to charity.

Unfortunately, this amendment was nothing more than political grandstanding and a poison pill designed to block necessary appropriations bills from passing and I was forced to vote against the amendment.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the 30 minutes prior to the cloture vote be reduced to 10 minutes, to be divided as previously ordered, with the remaining provisions of the previous order in effect, meaning that Senator INOUE will control 5 minutes and Senator COCHRAN will control 5 minutes.

Let me say this, Mr. President: I simply want to tell everyone—Democrats and Republicans—this has been very difficult, but I think it has been good for this institution. And I, frankly—I do not want to lay out all of my dirty laundry, but I think it has been good for me. I think the situation that has developed on the Republican side—I had a number of Republican Senators come to me and say: We need a few more amendments, and I had enough votes to pass it, and I ignored them. That will not happen in the future. I am going to try to be more aware of trying to create a better feeling in this body, not necessarily count 60 or 51, whatever it is.

So I appreciate what everyone has done here, but especially do I appreciate the two managers of this bill. This has been extremely difficult for them. All of the difficult issues had to be resolved by them. I think people looking at this Senate today should know how fortunate we are as a country to have two people such as DAN INOUE and THAD COCHRAN being the managers of this bill. These are two of the best, and I want to personally extend my appreciation. I applaud and commend both of them for doing an excellent job on a very difficult piece of work.

I have spoken to both of them. Everyone should understand, we are going to move into an appropriations process we can all be proud of. No more of these big, lumpy bills. We are going to move forward and try to do a bill at a time.

Again, thanks for everyone's cooperation.

Mr. President, there is a unanimous consent request pending.

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

There is now 10 minutes equally divided.

#### LOAN GUARANTEE PROGRAM

Mr. BENNETT. Mr. President, for the benefit of the Senate, I would like to discuss with the chairman of the Appropriations Subcommittee on Energy and Water the congressional intent with respect to the funding provided by the pending legislation, H.R. 1105, regarding the Department of Energy's loan guarantee program.

The pending legislation provides a total of \$47 billion for eligible projects pursuant to title XVII of the Energy Policy Act of 2005, to remain available until committed, of which \$18.5 billion shall be for nuclear power facilities.

In order to address budget scoring issues raised by the Congressional Budget Office, regarding third party financing, the conferees included legislation recommended by CBO counsel. CBO staff believes there is concern that the Federal Government might incur mandatory spending as a result of entering into power purchase agreements for energy projects that also receive loan guarantees from the Department of Energy.

While CBO acknowledges that this scoring issue is separate from the 1-percent subsidy cost that CBO has assessed the title XVII since fiscal year 2007, the conferees were obliged to include language drafted by CBO that would mitigate the possible scoring impact.

The language is drafted to capture as many possible third party financing options and as a result has created several unintended consequences. Specifically, the omnibus language could inadvertently have an adverse impact on a number of pending projects, for numerous title XVII eligible projects including the American Centrifuge Plant, ACP. The ACP project will employ more than 3,000 people in Ohio and thousands of employees with contracts to build this facility including ATK and Hexcel located in Utah.

First, I would like to thank the chairman of the Subcommittee on Energy and Water for his work since taking over this subcommittee in 2007 to support the loan guarantee program and his willingness to find the necessary resources, when budget requests were insufficient.

I know the chairman is familiar with this frustrating interpretation and ask if he would be willing to work with me and others to find a solution to these inadvertent problems and to correct

them in the first possible legislation following the enactment of this legislation?

Would the chairman of the Subcommittee on Energy and Water also agree with me that the Department of Energy should therefore continue to work on the pending loan guarantee applications for those projects which could be adversely impacted by this legislation if not corrected, such as those for renewable projects and for USEC's loan guarantee application for its ACP project?

Mr. DORGAN. Mr. President, I agree with the ranking member of the Subcommittee on Energy and Water that the House-passed language contains flaws that we would all like to see remedied. In response to his two questions I will state the following.

First, I am willing to work with him and any other Member who has a similar concern about the unintended impact of the language on these energy projects.

Second, I agree that the Department of Energy, including its Loan Guarantee Office, should not cease, delay or slow down its processing of any of these pending loan guarantee applications.

The Department of Energy should continue to take all actions and steps necessary and predicate for the issuance of a final loan guarantee so that a final loan guarantee can be issued upon enactment of the necessary technical corrections and competitive selection.

I can assure the ranking member of the Energy and Water Subcommittee that I will work with him to try to correct this situation. Accordingly, the Department of Energy and its Loan Guarantee Office should proceed to process these loan guarantee applications expeditiously so as to be prepared to act immediately on these pending loan guarantee applications to issue final loan guarantees if corrective legislation is enacted.

Mr. VOINOVICH. Mr. President, I am very pleased with the commitments of the chairman and ranking member of the Appropriations Subcommittee on Energy and Water to fix these flaws in the pending legislation. All of these energy projects are very important to the future of our country as we work towards achieving energy independence and cleaner environment.

USEC's American Centrifuge Plant project is not only very important to Ohio, it is particularly important to the Nation.

The ACP project is shovel-ready and is estimated to create over 3,000 jobs in Ohio where it is located, and another 3,000 or more jobs in 11 other States around the country through manufacturing and engineering contracts.

The ACP project will have the capacity to provide domestically enriched uranium to fuel over one-half of the 104 domestic nuclear powerplants that provide nearly all of our emission-free base-load electricity.

Once built, the ACP project will be the only U.S.-owned source of nuclear fuel that is critically important for various national security reasons.

I would like to observe that the Governors of Ohio, Maryland, Tennessee and Kentucky strongly support USEC's ACP project.

Mr. President, I will ask unanimous consent that the letter from the Governors of Ohio, Maryland, Tennessee and Kentucky be printed in the RECORD following my statement.

I would also like to observe that President Obama, during his campaign visits to Ohio last summer, expressed his support for USEC's ACP project, as articulated in his letter to Governor Strickland of Ohio dated September 2, 2008, and I will ask unanimous consent that that letter also be printed in the RECORD following my statement.

I thank the chairman and the ranking member of the Appropriations Subcommittee on Energy and Water.

Mr. BROWN. Mr. President, I also thank the chairman and the ranking member of the Subcommittee on Energy and Water for their willingness to work on addressing the unintended consequences associated with this language. Ensuring that the language is appropriately modified is crucial to ensure the U.S. has the flexibility to maintain a domestically owned and produced source of enriched uranium, rather than relying on other nations.

I am not happy with the long delay in getting the next generation enrichment technology up and running in Piketon, OH. Good paying jobs are at stake. Our national security is at stake. And, freedom from dependency on foreign sources of uranium is at stake.

I look forward to working with the senior Senator from Ohio and the chairman and ranking member to address the concerns arising from this language.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the 2 letters to which I referred be printed in the RECORD.

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

DECEMBER 19, 2008.

Hon. GEORGE W. BUSH,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: Our states provide the domestic infrastructure to support the proposed American Centrifuge Plant (ACP) in Piketon, Ohio. We are asking that you direct your Administration to act promptly within existing funding authorities and take the steps needed to reach a Department of Energy (DOE) conditional loan guarantee agreement for this project. Prompt action is essential in order to avoid demobilization of the project and workforce layoffs within the next several months.

Also, ACP represents the only U.S. advanced technology for uranium enrichment that can meet both domestic energy security and national security needs; the use of which would mitigate the present need to import over half of the domestic nuclear fuel supply from Russia. It is critically important that

we develop our domestic enrichment capabilities so we as a Nation do not create an unhealthy reliance on foreign nations for our sources of enriched uranium. It is especially important to our States that ACP will create a new domestic manufacturing infrastructure of 6,000 high-skilled jobs in 12 states. In addition, many of the technologies ACP would utilize, such as high precision machining and carbon fiber fabrication, will be able to support the growth of other new domestic industries.

Your Administration has taken a leadership role in promoting the resurgence of safe and secure domestic nuclear energy. The ACP project offers the opportunity to put a tangible capstone on this effort.

While DOE has made significant progress with its loan guarantee program, continued implementation of the ACP project is vulnerable without timely action and a conditional loan guarantee agreement. Therefore, we are seeking your commitment to set the appropriate timetable for decision-making, without compromise to the creditworthiness standards set for the program. Your leadership also would send a strong message that the business of government has not been diminished during this time of turmoil in the financial markets.

We will continue to work with your staff to reach a conditional loan guarantee agreement by the end of this Administration.

Sincerely,

TED STRICKLAND,  
Governor of Ohio.  
MARTIN O'MALLEY,  
Governor of Maryland.  
PHIL BREDESEN,  
Governor of Tennessee.  
STEVEN L. BESHEAR,  
Governor of Kentucky.

SEPTEMBER 2, 2008.

Governor TED STRICKLAND,  
Riffe Center,  
Columbus, OH.

DEAR GOVERNOR STRICKLAND: You have continued to be a strong advocate for the workforce and surrounding communities of the Piketon Enrichment Plant and throughout Ohio. This workforce and community have made significant contributions to our nation's defense and energy security needs for over the past half-century.

There are a number of steps I will take as President to assure the future health and prosperity of this community and its workforce. Under my administration, the Piketon site workforce and the surrounding communities will play a central role in our nation's domestic energy supply through private sector and government initiatives. The Piketon site is ideal for either traditional or advanced energy programs, or both. The Piketon site has vast infrastructure and potential reuse applications are very promising.

Under my administration, energy programs that promote safe and environmentally-sound technologies and are domestically produced, such as the enrichment facility in Ohio, will have my full support. I will work with the Department of Energy to help make loan guarantees available for this and other advanced energy programs that reduce carbon emissions and break the tie to high cost, foreign energy sources.

I will ensure that workers' rights, pensions and retirement health care benefits are fully protected and facilitate pension portability for workers among the various contractors and subcontractors as new missions unfold with the Department of Energy. We will work with the respective union leadership at the Portsmouth site to assure that their members' rights are fully protected.

I will assure that the benefits due under the "Energy Employee Occupational Illness Compensation Program Act" of 2000 will be provided in a timely and equitable manner. I understand that it is imperative to help those workers who were made sick or ill while serving in our nation's defense nuclear facilities. The delays and foot-dragging over the past several years is simply inexcusable. If necessary, I will support legislative reforms to assure that workers will be promptly compensated. I will not tolerate further excuses or delays in the implementation of this important legislation, which has left deserving workers waiting. I will also support the on-going medical screening program to help workers identify occupational illnesses that may have been caused from work at this facility.

I will work with Congress to provide adequate funding and will direct the Energy Department to commence Decontamination and Decommissioning activities of those facilities which are no longer needed, and maximize the employment of site workers to achieve this end. The failure to clean up this site quickly will delay future economic development opportunities and only add additional mortgage costs and pose undue environmental risks.

I will help assure the Depleted Uranium Hexafluoride (DUF-6) Conversion Facility in Piketon will be operational on an expedited time schedule. This project was authorized through legislation in July 1998, however, it is still not operational. I will work with Congress to fund this project and the disposition of the 20,000 plus cylinders of legacy uranium material. This project will create jobs for at least 20 years and remove thousands of tons of depleted uranium.

I will support funding the cleanup of soil, groundwater and hazardous waste from legacy operations. I want to assure that when we declare the Piketon site is cleaned up, it will mean that health and environmental hazards are not left behind so that new businesses can locate at the Piketon facility without concern.

I will direct my Administration to work with the community leadership to develop a long-term site plan to include opportunities to reuse the Portsmouth plant site and maximize the vast infrastructure while creating needed jobs in the Southern Ohio region. I am committed to making the Piketon facility a "multi-mission site" to drive economic development and environmental improvements.

Combined, I recognize these steps will assure energy security, environmental restoration and job creation for Southeastern Ohio and I look forward to working with you on this important project for the state.

Sincerely,

BARACK OBAMA.

CLERICAL ERROR ON BEEF IMPROVEMENT  
RESEARCH

Mr. BENNETT. Mr. President, I rise today to join with our Chair, Senator KOHL, in a colloquy to correct a clerical error in the attribution table accompanying Division I of H.R. 1105. Senator BOND is listed as having requested the "Beef Improvement Research" project under the Agriculture, Rural Development, Food and Drug Administration, Cooperative State Research Education and Extension Service. My staff has confirmed that this project was not requested by Senator BOND and, as such, Senator BOND's name should not be listed as a requestor.

Mr. KOHL. My colleague and former subcommittee ranking member, Sen-

ator BENNETT, is correct. This resulted from a clerical error involving confusion between two different projects on beef research. Senator BOND should not be listed as a sponsor of the Beef Improvement Research project.

Mr. BENNETT. I thank the Chair for his assistance in this matter.

Mr. BROWNBACK. Mr. President, I rise today to address a provision in the statement to accompany the fiscal year 2009 Omnibus appropriations bill that seeks to address a critical issue in our country, the rising rate of childhood obesity. Over the last several years, Senator HARKIN and I have worked jointly to address this issue.

During this time, we have focused our efforts on bringing together the different sectors in our society that are equipped to address this crucial issue for our Nation's children. It is my firm belief, that there is not just one solution to reducing the rates of childhood obesity but this should be a collective effort.

To that end, I am encouraged that there are those in the food and beverage industry, the advertising industry and media industry that have taken voluntary steps to address this issue.

I am pleased that the Ad Council has also worked to address childhood obesity as well with donated multimedia efforts since October 2005 that have equaled \$170 million. This initiative includes creative partnerships with NFL, Qubo, an NBC-owned children's network, and the U.S. Olympics.

It is my firm belief that the best option to address this issue is not by rushing into government regulation but by working together to address this issue within our spirit of a free-market society—and that is the intention behind this language that directs the Federal Trade Commission to create a working group among the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Secretary of Agriculture. I also hope that as this working group convenes they will first study the Better Business Bureau's Children's Food and Beverage Advertising Initiative, and determine whether initiatives such as these would suffice to address this crucial issue, before they implement the remainder of the directive. And, consistent with the current focus of self-regulatory initiatives, I think it would be more appropriate to limit the scope of the working group activities to children under the age of 12.

I have found that oftentimes the best results are rooted in industry-led reforms and it is my intention that this working group will keep this intent in mind as they study and develop ways in which to address foods marketed to our children. For example, in July 2007 and again in September 2008, the Grocery Manufacturers Association commissioned studies of U.S. advertising trends through Georgetown Economic Services. These studies have shown that as food and beverage marketers

have shifted the mix of products advertised to children, not only are children today seeing fewer food, beverage and restaurant ads on television, they are seeing far fewer ads for soft drinks, cookies, snacks and candy, while being exposed to more ads for soups, juices, fruits, and vegetables and water than they were in 2004.

I truly believe that with everyone coming together around a free market principled approach that we will have more expedient and effective results for our children.

Mr. AKAKA. Mr. President, I support the Omnibus Appropriations Act. I appreciate all of the efforts made by my friend, the senior Senator from Hawaii, to develop and manage this tremendously important bill. I also value the effort of the ranking member of the Appropriations Committee as well as all of the work done by the subcommittee chairmen and ranking members to draft the omnibus.

Continuing resolutions hinder the ability of agencies to meet the needs of our communities and address changing circumstances. We must enact this legislation in order to have a more effective and responsive Federal Government in dealing with many of the problems that our Nation is confronted with currently. This legislation improves access to health care, education, housing, and economic development opportunities. It also provides essential support for financial literacy programs, transportation infrastructure investments, sustainable energy development, natural resource preservation, and investor protection efforts.

This bill will help further promote medical research. Investments in medical research have tremendous potential to improve the lives of so many people by developing better methods to prevent, detect, and treat different illnesses. I am also proud that the legislation increases the ability of our federally qualified community health centers to better meet the medical needs of our communities.

The fiscal year 2009 omnibus bill will help ensure that our Nation's students are prepared for the challenges of the 21st century. This includes funding for programs to help disadvantaged students reach their potential as well as funding to help recruit and retain highly skilled and talented teachers. The fiscal year 2009 Omnibus also includes \$1.2 million in funding for Impact Aid. Impact Aid assists school districts that have lost property tax revenue due to the presence of tax-exempt Federal property, including Indian lands and military bases. It is vital to a State like Hawaii where there is a significant military presence.

This legislation also provides vital resources for housing. Ten million dollars is provided for the Native Hawaiian housing block grant, which is administered in the State of Hawaii by the Department of Hawaiian Home Lands, DHHL. DHHL is the largest affordable housing developer in the State

of Hawaii. Although these resources provide only about one-tenth of the DHHL's spending, it is extremely important to support additional home ownership opportunities for residents throughout Hawaii.

I also appreciated the inclusion of funding for the Laiopua 2020 Community Center. Economic Development Initiative resources will facilitate the development of this comprehensive community center. The community center will improve the quality of life for residents in the growing Kona community by increasing access to social services, recreational facilities, and educational and economic opportunities.

The omnibus provides a slight increase in resources for the Community Development Block Grant, CDBG, Program. CDBG provides essential Federal resources to help meet the specific needs of communities. In Hawaii, our counties utilize CDBG resources to help provide affordable housing, assist the homeless, expand day care facilities, provide meals to low-income families, strengthen our medical infrastructure by making physical improvements to our community health centers, and expand opportunities to help individuals with disabilities find employment.

This bill provides essential resources intended to improve our Nation's financial literacy lending and improve individual understanding of economics and personal finance. This bill includes \$1.447 million in funding to implement the Excellence in Economic Education Act, which promotes economic and financial literacy among students in kindergarten through high school. An additional \$1.6 million is provided for the Department of the Treasury's Office of Financial Education to increase access to financial education and protect consumers against predatory lending. Also, I applaud the inclusion of a directive in the bill that requires the Internal Revenue Service, IRS, in consultation with the National Taxpayer Advocate, to educate consumers about the costs of refund anticipation loans and expand access to alternative methods of obtaining timely refunds.

The act also will improve our roads, transit, and airports; strengthen Hawaii's transportation infrastructure; and increase the mobility of our residents.

Provisions contained within the act enable the U.S. Army Corps of Engineers to address our Nation's critical navigation, flood control, and environmental restoration needs. I was pleased that more than \$1.6 million was provided for Hawaii projects.

Recognizing that shoreline erosion threatens upland development and coastal habitats along much of Hawaii's shoreline, I worked to provide funding for a regional sediment management demonstration program to further understand the dynamics of complex coastal processes and promote the development of long-term strategies for sediment management. On the

island of Molokai funding has been provided to complete a much needed water resource study in order to more effectively manage ground-water resources. Wise stewardship and management at a watershed level has a significant impact on the health and quality of numerous natural resources. Inclusion of funds to address stream management and restoration is critical for Hawaii. These resources will assist and protect communities in Hawaii from destruction caused by severe weather and flooding, as well as promote conservation and revival of our islands' ecosystems.

The fiscal year 2009 omnibus includes provisions that will go a long way to improve advancements in science and technology, as well as enhance U.S. competitiveness. In Hawaii and the Pacific, we are uniquely confronted by climate fluctuations and its impact on the public, economic development, and health of our ecosystems and wildlife. I am proud to have supported the inclusion of \$1.75 million for the International Pacific Research Center at the University of Hawaii to conduct systematic and reliable climatographic research of the Pacific region. Improving our understanding of climate variability empowers us to use data and models to mitigate adverse impacts.

Hawaii is home to some of the world's most critically threatened and endangered species, including the endemic Hawaiian monk seal. For years I have been an advocate for the conservation and recovery of the critically endangered monk seal and other cetaceans in the Pacific. The National Marine Fisheries Service issued the first Hawaiian monk seal recovery plan in 1983 and a revised plan in 2007. The Hawaiian monk seals are vulnerable due to a variety of influences, including human disturbances of birth and nursery habitats, entanglement in marine debris, and commercial fisheries. In the last 50 years the Hawaiian monk seal population has fallen by 60 percent. To address this need, I worked to include \$2.6 million in this act to address female and juvenile monk seal survival and enhancement, as well as efforts to minimize monk seal mortality. In addition, these funds will strengthen coordinated regional office efforts for field response teams and enhance implementation of the 2007 recovery plan.

The preservation of our national parks, forests, and public lands has been a priority of utmost importance. Public lands are valued assets that must be properly managed for the benefit of all Americans and future generations. I am encouraged that the act supports the preservation of our natural landscapes, furthers conservation of wildlife, expands water resource assessment, and fosters wise management of our Nation's natural resources.

Given the unique needs of Hawaii, I supported funding in the Fiscal Year 2009 omnibus to fortify the preservation of four endangered Hawaiian



waterbirds located within the James Campbell National Wildlife Refuge, as well as combat the threat of invasive species on our natural and cultural heritage. Invasive species are the primary cause of decline in Hawaii's threatened and endangered species, and cause hundreds of millions of dollars in damage to Hawaii's agricultural industry, tourism, real estate, and water quality. Funding will continue the ongoing, collaborative, interagency, and community-based effort to address invasive species impacts. Such joint action, cooperative agreements, and collaboration will be needed to control invasive species that are crossing geographic and jurisdictional boundaries.

I am pleased that the omnibus supports the development of sustainable and clean energy. We must continue to invest in development and implementation of energy from renewable, efficient sources as this Nation transitions away from foreign oil. Our energy security and independence depend on conducting advanced research and better utilizing energy from sources including the sun, wind, ocean.

Included in the act is \$3.1 million to support the ongoing Hawaii-New Mexico Sustainable Energy Security Partnership. In order to develop, demonstrate, and deploy technologies that enhance usage of renewable resources, the Partnership evaluates electric and transportation infrastructure, tests technologies, and provides sound science to inform debate and the implementation of public policy. Building upon its successful development of a comprehensive model of the transportation and electricity infrastructures on the Big Island and Maui, these funds will be used to support promising projects identified for implementation on those islands, as well as extend efforts to evaluate and address the energy infrastructure needs on Oahu and Kauai.

I am encouraged by the inclusion of funding to improve Hawaii's infrastructure and nurture sustainable agriculture production. Our agricultural industry is a key component of our State's economy, and I have long supported the policies and programs cultivating opportunities for our farmers and rural communities. Further, funds supporting research, extension, and teaching efforts are necessary as we prepare a skilled and thriving workforce focused on developing sustainable solutions that improve the health of our environment, as well as the quality and efficiency in production.

Another important provision I want to highlight is the critical support included for the Securities and Exchange Commission, SEC, to better protect investors. I will continue to work with the SEC to ensure it has the statutory authority and resources necessary to better protect and educate investors and promote market stability.

In conclusion, I want to thank the senior Senator from Hawaii for all of his extraordinary efforts to develop

and shepherd this comprehensive bill through the legislative process. The Nation and our home State of Hawaii will benefit tremendously from its passage.

Mr. LEVIN. Mr. President, Congress will hopefully with this vote finally complete action on the fiscal year 2009 appropriations bills. This bill addresses some of the Nation's critical needs. It also addresses some of Michigan's special needs such as protecting the Great Lakes, improving our transportation infrastructure, and supporting our manufacturers and small businesses. In addition, it supplies our local law enforcement with tools they need to protect our citizens and provides support for our communities to help our most vulnerable citizens during this economic crisis.

This bill includes funding for a number of important Great Lakes programs. With the funding in this bill, the Thunder Bay Marine Sanctuary and Under Water Preserve will be able to complete the exhibits in the new visitor's facility. The bill provides a \$2 million increase for the Great Lakes Legacy program which has made a positive impact on the Lakes by removing contaminated sediment. This bill also provides funds to the Corps of Engineers to complete construction of the permanent dispersal barrier in order to stop Asian carp and other invasive species from entering the Great Lakes.

I am pleased that funding of over \$50 million that I requested for dredging and other operation and maintenance needs for Michigan's ports and harbors was included in this bill. The Great Lakes navigational system faces a backlog of 16 million cubic yards of dredging needs, which has had very real negative impacts on Great Lakes shipping. Several freighters have gotten stuck in Great Lakes channels, ships have had to carry reduced loads, and some shipments have simply ceased altogether. While an increase in some water levels is helping somewhat in this regard, the Great Lakes navigational system has an accumulation of maintenance needs. The additional funding that was included will help address this backlog, and I will keep working to increase appropriations and the budget so this important maritime highway, so that one of the lowest cost ways to transport supplies to industry and products to consumers, is not impeded.

The bill also provides \$17 million to the Corps of Engineers for the Soo Lock replacement project, which would serve as a backup for the current Poe Lock. Total annual shipping on the Great Lakes exceeds 180 million tons, over half of which goes through the Soo Locks. Funding for the lock is critical to ensuring that this system remains operational.

This bill provides a boost in funding for our Nation's transportation infrastructure which will put people to work while improving mobility, safety

and competitiveness in Michigan and around the country. The bill provides \$15.39 billion for the Federal Aviation Administration, an increase of \$865 million over the fiscal year 2008 levels. Included in that total is \$9.04 billion for Federal Aviation Administration operations that would be used to improve safety and air traffic organization, and to increase the hiring and training of air traffic controllers and aviation safety inspectors. The bill provides \$40.7 billion in highway funding, \$483.9 million above fiscal year 2008 levels. It also provides \$1.45 billion for the National Railroad Passenger Corporation, Amtrak, a \$128.1 million increase over the fiscal year 2008 level. It also provides \$10.1 billion for Federal Transit Administration, \$773 million over fiscal year 2008 levels.

This bill also includes a number of programs to help technology companies and manufacturers in Michigan and throughout the country, including funding for the Manufacturing Extension Partnership, MEP, and the Technology Innovation Program, TIP. The bill includes \$110 million for the MEP program. President Bush proposed to eliminate the program in his fiscal year 2009 budget. MEP is the only Federal program dedicated to providing technical support and services to small- and medium-sized manufacturers. MEP is a nationwide network of proven resources that enables manufacturers to compete globally, supports greater supply chain integration, and provides access to information, training and technologies that improve efficiency, productivity, and profitability. In fiscal year 2007 alone, based on services provided in fiscal year 2006, MEP helped to: create or retain over 52,500 jobs, generate more than \$6.765 billion in sales, and stimulate more than \$1.65 billion in economic growth. MEP is needed now more than ever as our small and medium manufacturers struggle to survive in this serious recession.

The bill includes \$65 million for the Technology Innovation Program, TIP, the successor to the Advanced Technology Program, ATP. While slightly less than the fiscal year 2008 level it is still significant given the fact that President Bush proposed zeroing out the program in his fiscal year 2009 budget. TIP is a cost-sharing program that promotes the development of new, innovative products that are made and developed in the United States, helping American companies compete against their foreign competitors and contribute to the growth of the U.S. economy. During this terrible recession the TIP program is an important way to stimulate job growth and high technology R&D in the United States.

I am pleased that this bill continues the current ban on using Federal funds for future Federal contracts to so-called "inverted" U.S. companies that, to avoid certain U.S. taxes, have reincorporated in an offshore tax haven country but left their offices and production service facilities here in the

U.S. We should not further reward inversion by granting them Federal contracts. It is unfair to the U.S. companies left to operate on an uneven playing field, and it is unfair to the rest of our taxpayers who pay their fair share.

The fiscal year 2009 omnibus bill includes an increase in funding over fiscal year 2008 in a number of important areas at the Department of Energy. In particular, this bill includes \$273 million for advanced vehicle technologies, an increase of \$58 million over fiscal year 2008, with additional funding included for research and development on advanced battery technologies. The bill also includes \$217 million for biomass and biorefinery systems, an increase of \$17 million over fiscal year 2008, which should allow for continued and increased support of innovative technologies for production of ethanol and biofuels produced from cellulosic materials. The omnibus also includes modest increases for both solar and wind energy research and development that will contribute to ongoing efforts to improve the efficiency and decrease the cost of commercialization of these technologies. I am also pleased that this bill includes additional new funding for loan guarantees for advanced innovative technologies, specifically providing up to \$18.5 billion for loan guarantees for renewable energy, energy efficiency, and manufacturing that will be available for important projects such as biofuels production and advanced battery manufacturing.

This bill includes a significant increase in several areas of funding for science and technology. Within the Department of Energy, this bill includes an increase of \$754 million for the Office of Science, which will increase federal support for basic research and support the goals and programs of the America Competes Act, which called for a doubling of the U.S. investment in science over 10 years. It also includes increases in science programs at the National Science Foundation and the National Institute of Standards and Technology, both of which have a significant role to play in development of advanced technologies that will keep the U.S. competitive in the global market.

This legislation provides funding for state and local law enforcement and crime prevention. It includes much needed funding for the Community Organized Policing Services, COPS, program, which provides our police departments with the technology and training tools needed to prevent and detect crime and for the Office of Justice Programs that provides funding for Byrne justice assistance grants, juvenile justice programs, and drug courts. It also provides \$415 million to the Office on Violence Against Women so that we can better prevent and prosecute violent crimes against women. Finally, I am pleased that the legislation includes \$185 million for interoperable radio systems.

During this economic crisis, it is especially important that this bill in-

cludes vital funding for our Nation's nutrition, housing and economic development programs that will provide much-needed help to our communities. This bill includes increased funding for the Supplemental Nutrition Program, SNAP, and the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, which help provide nutritious food to many in this country who are in need. It also includes increased funding for public and affordable housing programs that provide housing to low-income Americans and \$1.7 billion, which is \$91 million above the 2008 funding level, for homeless assistance grants which provide rental assistance, emergency shelter, transitional and permanent housing, and supportive services to homeless persons and families to help break the cycle of homelessness and to move homeless persons and families into permanent housing. In addition, this bill provides \$3.9 billion, \$34 million above the 2008 funding level, for the community development block grant, CDBG, program which will fund community and economic development projects to revitalize our communities.

This bill includes funding I requested for the redevelopment of part of the old Tiger Stadium and its ball field. This funding will help the surrounding community move forward on a plan to preserve part of the old Tiger Stadium and its ball field as a premier baseball field for youth leagues and to redevelop part of the stadium structure and adjacent land to be used for retail shops and restaurants and other commercial and entertainment attractions. This funding will not only help preserve this part of Detroit and baseball history, but also bring much needed jobs and economic activity into this neighborhood and to the city of Detroit.

I am glad that we have finally completed the fiscal year 2009 appropriations bills. While it is unfortunate that we once again had to consider nine different bills packaged into a single omnibus spending measure, I am very pleased that this bill includes funding for many important national programs and projects that will especially benefit Michigan. It is my hope that we will be able to complete a timely, open and transparent appropriations process in the coming year.

Mr. ROCKEFELLER. Mr. President, these are difficult times in our country. American families are facing challenges that we have not seen in decades, we have record budget deficits, and we are fighting two wars.

The national economic crisis is affecting so many people across our Nation and in West Virginia, and we must give the economic recovery plan time to do what it was designed to do—create jobs and reinvest in the American dream.

In West Virginia, factories and businesses are closing their doors. Unemployment rose in all 55 counties in January 2009. Our statewide unemployment rate jumped from 4.4 percent in

December to 6.2 percent in just 1 month. And February and March have brought additional plant closures, and more employees have lost their jobs.

As we work in Congress on ways to get our economy back on track and create new jobs, I stand ready to help and take bold action that will deliver real, workable solutions to families. And I am committed to working with our State leaders to do everything we can to bring opportunities to West Virginia.

It is very important that we in Congress do everything possible to uphold the public trust, protect taxpayer dollars, and show with our actions and not just our words that we take seriously our obligation and honor to serve the people.

One of the ways the legislation before us today, H.R. 1105, the Omnibus Appropriations Act of 2009, does that is by prohibiting the annual cost-of-living pay adjustment, COLA, for Members of Congress from taking effect in calendar year 2010. This is a good, small, but important step, and I thank our leadership for including this important provision. Now is not the time for an increase in the COLA for Members of Congress.

I represent constituents who earn \$25,000 to \$35,000 annually, and the notion that we in Congress would allow a COLA increase for ourselves, while they are just trying to put food on the table and make ends meet, is completely unacceptable. Given the state of the economy, and the income and job losses across this Nation, I strongly oppose a congressional pay increase in this bill.

I also strongly support efforts to suspend permanently the automatic congressional COLA. It will be some time before our economy turns around and the American people feel a sense of financial security again. And especially in a recession, any congressional pay increase should be subject to an up-or-down vote each year, and not simply occur automatically.

That is why I am glad to be a cosponsor of S. 542, legislation introduced by Majority Leader REID to repeal the provision of law that provides automatic COLAs for Members of Congress. I do not believe we should amend the pending bill to do this—the amendment, like so many others offered by the minority over the past week, is really a Trojan horse to kill or delay the Omnibus Appropriations Act, which is already overdue and meets our basic obligation to keep the government running. But the issue is an important one, deserving of immediate action and I appreciate the leader's commitment to act quickly on it.

I believe having transparency, accountability, and an up-or-down vote on the COLA every year makes a lot of sense—both for Congress and the American people. The American people deserve to be represented by Members of Congress who are in touch with the everyday struggles of the very people

who elected them. Just like their family budgets, Congress has to budget and live within our means and make careful spending decisions based on our most pressing priorities.

I support this bill today because it is the absolutely right thing to do and West Virginia families deserve no less.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

Mr. INOUE. Mr. President, I rise to support the Omnibus Appropriations Act and encourage my colleagues to vote for cloture.

This bill provides additional resources so our Government will be better able to meet the challenges of the economic crisis we face today.

I would remind my colleagues that without enactment of this bill, the Securities and Exchange Commission will not get the additional funding it needs to increase the integrity of the financial markets. The Federal Housing Administration will have to stop helping families facing foreclosure to refinance into affordable mortgages at the worst possible time for such a stoppage to occur.

The Food and Drug Administration will not receive the funding it needs to significantly increase the number of food and medical product safety inspections, both domestic and overseas, that it could otherwise perform.

If the Omnibus is not enacted, \$550 million less would be provided for the FBI to protect our Nation and our communities from terrorism and violent crime. Not passing this bill means 650 fewer FBI special agents, and 1,250 fewer intelligence analysts and other professionals fighting crime and terrorism on U.S. soil.

In conclusion, I ask the fundamental question: Will the United States be better off in the next year, and will the Federal Government be in a better position to help lead our country out of this deep recession, if we pass this bill? The answer is obviously, yes. It is in America's best interests to close the book on the last administration and to help the new administration hit the ground running.

Now is not the time to relitigate past policy battles. Now is the time to clear the decks and look to the future. For all these reasons, I urge my colleagues to join me in supporting cloture on H.R. 1105.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I know the hour is a bit advanced, so I will not take much time. I think it is pretty clear what the outcome of this vote will be, so I will not take a lot more time of this body. I have spent a lot of time on the Senate floor in the last week or so talking about this legislation before us.

I think there are a couple things that need to be mentioned again. Somehow it seems to be accepted around here that earmarks are a standard practice

and that they have been going on forever, and it is somehow the purview of the Appropriations Committee to do these earmarks, which Americans have become pretty familiar with, I am happy to say, in the last week or so.

That is not so. It is not so. In 1991, there was a total of 537 earmarks for the entire appropriations process. This evil has grown, and it has grown, and it has grown—to the point where we now have close to 9,000 earmarks. All we are asking is to authorize. We have talked a lot about the individual earmarks. But the fact is, they are not authorized. I heard one of my colleagues today, on this side of the aisle, say: Well, the authorizing committees are too busy. Really? Really? So all we are asking is to go back to what this body had done and the Congress had done for a couple hundred years; that is, authorize the projects.

So what has happened? It has grown and grown and grown. Today, a former staffer on the Appropriations Committee pled guilty in Federal court. What did it have to do with? It had to do with earmarks, and we have former Members of Congress now residing in Federal prison because of this gateway drug, as my colleague from Oklahoma, Senator COBURN, calls it.

So last November the American people, as I am keenly aware, voted for change. They voted for change, and somehow we are saying: This is last year's business—only this is funding this year's operations.

So we will vote to pass this bill, and the message is, my friends and colleagues, that it is business as usual in Washington, while unemployment is 8.1 percent and employers have to cut another 651,000 jobs.

So if the President were serious about his pledge for change, he would veto this bill. He will not. Now, he will say we are going to outline a process of dealing with this problem in a different way. I quote from Mr. Gibbs:

... and that the rules of the road going forward for those many appropriations bills that will go through Congress and come to his desk will be done differently.

Well, the first chance we get to show people change is business as usual in the Senate and the House. It is very unfortunate. It is very unfortunate. We should not be astonished at the low approval ratings we have here when Americans see the expenditure of their hard-earned tax dollars in the projects we have talked about in the past without scrutiny, without authorization, and certainly not in a fashion the American people want their tax dollars spent. So we will invoke cloture and we will move forward. The bill will go to the President's desk, he will sign it, and the signal to the American people is: You voted for change, but you are not getting any change today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, before yielding the time so we can vote, I wish to commend and thank the distinguished Senator from Hawaii for his leadership of the Appropriations Committee, particularly in our negotiations that we have had with Members of the other body. We are not legislating in a vacuum. These proposals and provisions of this bill have been carefully reviewed by our committee. In this case, it includes I think about seven bills that were individually written and proposed to the full committee by the subcommittees, after a series of hearings reviewing the administration's requests for funding, listening to outside groups that had opinions and views about the level of appropriations for many accounts and programs. But our true leader who deserves praise for this final work product, as I said, is the distinguished Senator from Hawaii.

I yield back the remainder of our time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Has all time been used, Mr. President?

The PRESIDING OFFICER. Yes.

Mr. REID. Mr. President, the order that is now in effect indicates that if there are 60 votes on this cloture vote, there will be just a voice vote on final passage. I ask the Chair if that is factual.

The PRESIDING OFFICER. The yeas and nays have not been ordered on the measure.

Mr. REID. So that is the understanding we have. If that, in fact, is the case, then we would—this will be the last vote today.

People are asking: What are we going to do the rest of the week? First of all, we are going to spend the rest of this week on nominations. We are going to try to get one up tomorrow that we can debate and hopefully vote on. We may not be able to do that.

I would say to everyone there has been a lot of pent-up desire to come out and give speeches on other issues. I think we will have plenty of time to do that tomorrow. So we will set aside a couple hours, at least, tomorrow for morning business. I look forward to this vote and ending this long process on this appropriations bill.

CLOTURE MOTION

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

The 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, do hereby move to bring to a close debate on H.R. 1105, the Omnibus Appropriations Act:

Harry Reid, Daniel K. Inouye, Bernard Sanders, Tom Udall, Patrick J. Leahy, Ron Wyden, Christopher J. Dodd, Benjamin L. Cardin, Mark R. Warner, John

D. Rockefeller IV, Debbie Stabenow, Patty Murray, Richard Durbin, Edward E. Kaufman, Jim Webb, Mark Begich, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Roland W. Burris.

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

The question is, Is it the sense of the Senate that debate on H.R. 1105, an act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 96 Leg.]

#### YEAS—62

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

#### NAYS—35

Barrasso	DeMint	Lugar
Bayh	Ensign	Martinez
Bennett	Enzi	McCain
Brownback	Feingold	McCaskill
Bunning	Graham	McConnell
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hatch	Sessions
Collins	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Crapo	Kyl	

#### NOT VOTING—2

Johannes	Kennedy
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The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. INOUE. Mr. President, I wish to recognize the staff of the Senate Committee on Appropriations. Since I assumed the chairmanship of the committee less than 2 months ago, on January 21, the staff of the committee has accomplished some extraordinary things.

The committee held a markup on the American Recovery and Reinvestment Act less than a week after I assumed

the gavel, on January 27. We passed the Recovery Act on February 10, held an open conference with the House and then passed the conference report on February 14. On February 17, the President signed the Recovery Act into law.

The committee then moved immediately to take up the 2009 Omnibus Act, which we have passed today. I want to recognize the many late nights, the weekends, and the lost family time that have all been sacrificed by staff in order that we might accomplish the passage of two significant appropriations bills in less than 2 months.

As is our tradition, the committee operated in a fully bipartisan fashion in all of our efforts, and our non-partisan support staff did their usual superb job of allowing the policy staff to complete their work under such tight deadlines.

Without the hard work, dedication and extraordinary effort of all the staff members of this committee, we would not have passed the Recovery Act or the 2009 omnibus. As the chairman of this committee, and on behalf of the American people who they serve so well, I thank them for their exceptional efforts and for providing me such an outstanding start to my time as leader of this committee.

I submit the names of all of the staff members of the Senate Appropriations Committee for the RECORD.

The list is as follows:

Carrie Apostolou, Alex Avanni, Michael Bain, Dennis Balkham, Gabrielle Batkin, Katie Batte, Ellen Beares, Rebecca Benn, Suzanne Bentzel, Lisa Bernhardt, Jessica Berry, Rob Blumenthal, David Bonine, John Bray, Dale Cabaniss, Art Cameron, George A. Castro, Doug Clapp.

Roger Cockrell, John J. Conway, Erin Corcoran, Carol Cribbs, Margaret Cumiskey, Teri Curtin, Allen Cutler, Scott Dalzell, Rebecca Davies, Nicole Di Resta, Mary Dietrich, Drenan Dudley, Fitz Elder, Kate Eltrich, Christina Evans, Bruce Evans, Alysia Farrell, Erik Fatemi, Kate Fitzpatrick.

Lef Fannesbeck, Galen Fountain, Jessica Frederick, Lauren Frese, Brad Fuller, Barry Gaffney, Colleen Gaydos, Paul Grove, Katy Hagan, Adrienne Hallett, Diana Hamilton, Ben Hammond, Jonathan Harwitz, Lila Helms, Stewart Holmes, Charles Houy, Doris Jackson, Virginia James, Rachel Jones.

Jon Kamareck, Dennis Kaplan, Kate Kaufer, Charles Kieffer, Peter Kieffhaber, Jeff Kratz, Mark Laisch, Richard Larson, Ellen Maldonado, Nikole Manatt, Stacy McBride, Matthew McCardle, Meaghan McCarthy, Rachel Milberg, Mark Moore, Fernanda Motta, Ellen Murray, Scott Nance.

Hong Nguyen, Nancy Olkewicz, Scott O'Malia, Thomas Osterhoudt, Sudip Parikh, Melissa Petersen, Brian Potts, Dianne Preece, Bob Putnam, Erik Raven, Gary Reese, Tim Rieser, Peter Rogoff, Betsy Schmid, Rachele Schroeder, Chad Schulken, LaShawnda Smith, Renan Snowden, Reggie Stewart, Goodloe Sutton, Rachael Taylor, Bettilou Taylor, Christa Thompson, Marianne Upton, Chip Walgren, Chris Watkins, Jeremy Weirich, Augusta Wilson, Sarah Wilson, Brian Wilson, Franz Wuerfmannsdober, Michele Wymer, Bridget Zarate.

The PRESIDING OFFICER. Under the previous order, cloture having been

invoked, all postcloture time is yielded back. The question is on the third reading and passage of the bill.

The bill (H.R. 1105) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on passage of the bill.

The bill (H.R. 1105) was passed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

#### AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 73, which was submitted earlier today.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 73) authorizing expenditures by committees of the Senate for the periods March 1, 2009, through September 30, 2009, and October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 73) was agreed to, as follows:

S. RES. 73

*Resolved,*

#### SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2009, through September 30, 2009, in the aggregate of \$69,152,989, for the period October 1, 2009, through September 30, 2010, in the aggregate of \$121,593,254, and for the period October 1, 2010, through February 28, 2011, in the aggregate of \$51,787,223, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2009, through September 30, 2009, for the period October 1, 2009, through September 30, 2010, and for the period October 1, 2010, through February 28, 2011, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

#### SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the

Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$2,735,622, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$4,809,496, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,048,172, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

### SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through

September 30, 2009, under this section shall not exceed \$4,639,258, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$8,158,696, of which amount—

(1) not to exceed \$80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,475,330, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

### SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,204,901, of which amount—

(1) not to exceed \$11,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,393,024, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legis-

lative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,148,531, of which amount—

(1) not to exceed \$8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

### SEC. 5. COMMITTEE ON THE BUDGET.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,384,507, of which amount—

(1) not to exceed \$35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$70,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,711,049, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$120,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,284,779, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

### SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the

Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,529,245, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,963,737, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,391,751, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through

September 30, 2009, under this section shall not exceed \$3,833,400.

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$6,740,569.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,870,923.

#### SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$3,529,786, of which amount—

(1) not to exceed \$4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$6,204,665, of which amount—

(1) not to exceed \$8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,641,940, of which amount—

(1) not to exceed \$3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate,

the Committee on Finance is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$5,210,765, of which amount—

(1) not to exceed \$17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$9,161,539, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,901,707, of which amount—

(1) not to exceed \$12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,291,761, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and



(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,546,310, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,214,017, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$5,973,747, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$10,503,951, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010,

through February 28, 2011, expenses of the committee under this section shall not exceed \$4,473,755, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$6,742,824, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$11,856,527, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$5,049,927, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) **INVESTIGATIONS.**—

(1) **IN GENERAL.**—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, mis-

feasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) **EXTENT OF INQUIRIES.**—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) **SPECIAL COMMITTEE AUTHORITY.**—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2009, through February 28, 2011, is authorized, in its, his, hers, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) **AUTHORITY OF OTHER COMMITTEES.**—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) **SUBPOENA AUTHORITY.**—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 89, agreed to March 1, 2007 (110th Congress) are authorized to continue.

### SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and

the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$6,528,294, of which amount—

(1) not to exceed \$116,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$11,667, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$11,481,341, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$4,890,862, of which amount—

(1) not to exceed \$83,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,333, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

### SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,797,669, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30,

2010, under this section shall not exceed \$3,161,766, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,346,931, of which amount—

(1) not to exceed \$21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

### SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,693,240, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,976,370, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,267,330, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,565,089, of which amount—

(1) not to exceed \$59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,752,088, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,172,184, of which amount—

(1) not to exceed \$42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,892,515, of which amount—

(1) not to exceed \$117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$3,327,243, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,416,944, of which amount—

(1) not to exceed \$85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,151,023, of which amount—

(1) not to exceed \$37,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,298,438, of which amount—

(1) not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,108,302, of which amount—

(1) not to exceed \$27,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,449,343, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,546,445, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,083,838, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account "Expenses of Inquiries and Investigations" appropriated by the legislative branch appropriation Acts for fiscal years 2009, 2010, and 2011, there is authorized to be

established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed \$4,375,000, shall be available for the period March 1, 2009, through September 30, 2009; and

(2) an amount not to exceed \$7,500,000, shall be available for the period October 1, 2009, through September 30, 2010; and

(3) an amount not to exceed \$3,125,000, shall be available for the period October 1, 2010, through February 28, 2011.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

### MORNING BUSINESS

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

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

### MORNING BUSINESS

#### SENATOR LEAHY JOINS THE 13,000 VOTE CLUB

Mr. BYRD. Mr. President, in the entire history of the U.S. Senate, only eight Senators have cast 13,000 votes. Today, our honorable colleague, Senator LEAHY, has become the ninth Senator to do it.

Mr. President, I congratulate the distinguished senior Senator from Vermont upon achieving this monumental milestone in his life and career. As a 34-year veteran of the Senate, and as chairman of the Senate Agriculture Committee and chairman of the Senate Judiciary Committee, Senator LEAHY has already provided invaluable service to his state and our country.

Now he has become a member of one of the most exclusive clubs in our country, "U.S. Senators who have cast 13,000 votes club."

As the charter member of this exclusive club, I welcome Senator LEAHY into it.

#### TRIBUTE TO KENTUCKY CHEERLEADING SQUADS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the accomplishments of the North Laurel Middle and High School cheerleading squads from the city of London in my home State of Kentucky. Recently, both teams won national championships in the Universal Cheerleaders Association, at competitions held in Orlando, FL.

Both teams overcame setbacks and injuries but still triumphed. Through

hard work and dedication, they were able to clinch the national titles for Kentucky. Recently, the Sentinel-Echo newspaper in London, KY, published an article detailing the victories of both teams.

Mr. President, I ask my colleagues to join me in honoring the cheerleaders and coaches from North Laurel Middle and High Schools for their performances in the national competition. I further ask unanimous consent that the full article be printed in the RECORD, as well as the names of the participants and coaches.

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

[From the Sentinel-Echo, Feb. 13, 2009]

LAURELS FOR NORTH LAUREL

(By Tara Kaprowy)

With full police and fire truck escort, marching band fanfare and thousands of students waiting to greet them, North Laurel middle and high school cheerleaders came home wreathed in victory Tuesday. The teams both clinched first place last weekend at the Universal Cheerleaders Association National High School Cheerleading Championship, the be-all end-all of cheerleading competitions.

North Laurel Middle School coach Christy Jones was thrilled.

"It's all the buzz down here," she said of the North Laurel wins. "They loved the girls, they loved the routine."

North Laurel High School coach Kim Wood was likewise pleased.

"We're celebrating like we've never celebrated before," she said.

Wood's team has had a heart-stopping couple of days. The team arrived in Orlando, Fla., a few days before the weekend competition to have time to practice their highly technical routine.

But on the first day, tragedy struck.

"We had one of our strongest bases get injured," Wood said. "She blew her knee out."

With Lindsey Lewis now forced to the sidelines, it was up to Laura Robinson—who had never even competed before—to step in.

"She was so nervous," Wood said.

To incorporate Robinson into the performance, the girls had to adjust their formations and rework the routine, practicing six hours a day to get things right.

"Each girl had to work even harder," Wood said.

By the end of the second round of competition, the girls were in seventh place; one of the girls had fallen, which cost the team points. Nevertheless, they advanced to finals. This time, their 2½-minute routine was flawless.

"It was perfect," Wood said. "They were awesome."

When the winners were being announced, the judges asked the girls to maintain their composure out of respect for the other teams. But Wood said when the runner-up was named—and it wasn't North Laurel—her girls were ecstatic.

"They were bawling and crying and jumping for joy," Wood said.

Over in the middle-school competition, the girls were up against the fearsome Mount Pisgah and Houston girls, cheerleaders from two middle schools who finish first and second year after year.

This year, Jones said she was ready for the Tennessee teams, with North Laurel's choreographer crafting a routine that was at the highest level of difficulty. The performance incorporates 13 full-ups, a move in which the

girls complete a 360-degree turn before they hit the top of their stunt.

"We do them to one leg, which is even more difficult," Jones said.

The girls pulled off the stunts, even though they were also plagued by injuries.

Dani Flannery, who tore the ligaments in her ankle last year, reinjured her leg while in Florida.

She chose to compete anyway.

"She battled back," Jones said. "And she did it with a smile on her face."

In the end, the NLMS girls pulled off their routine and, by 12 points, were named the champions.

Jones said the win was sweet.

"It's been very difficult to gain respect," she said. "It's kind of the (Tennessee team) club, but we broke into it this year. And they didn't like it."

Jones said she and her girls are thankful for the support they received throughout the year.

"We are just so appreciative of our principal (David Hensley)," she said. "He is so supportive of our program. And our parents, listen, our parents raised the money so every child could come to Florida for free. And the community. Every time they buy a T-shirt or a box of donuts, it lets these girls achieve their dream. I'm so thankful."

#### NORTH LAUREL MIDDLE SCHOOL CHEERLEADERS

Katie Mays, Caitlyn Adams, Sammantha Tolliver, Maddie Wood, Hannah Robinson, Ashley McCowan, Whitney McCowan, Ryvers Loomis, Meagan Stewart, Hannah McWhorter, McKayla Vaughn, Taylor Hubbard, Dani Flannery, Kristen King, Whitney Reams, Miranda Browning, Savannah Goozeman, Sydney Herrell, Farris Strong, Sherri Gray, Lane Mitchell, Breanna Binder, Morgan Bill, Sammantha Nalley, Kelsey Guidi, Amy Corum, Gabrielle Skript, Addison Woods, Taylor Eversole, Hayley Whitman, Tara McClure, Taylor Hamilton. Coaches: Jamie Winkfein, Sidney Hubbard, Christy Jones.

#### NORTH LAUREL HIGH SCHOOL CHEERLEADERS

Alex Blair, Bailie Camp, Taylor Forbes, Brittney Hodges, Ashley Hollin, Destiny Inman, Ally James, Kayla Johnson, Mercedes Lester, Whitney Lawson, Lindsey Lewis, Kelsey Maggard, Mackenzie Martin, Brittany Moore, Ashley Partin, Sarah Pennington, Laura Robinson, Jenny Tillery, Gabrielle Woods. Coaches: Kim Wood, Toni Blake Greer.

#### SENATOR PATRICK LEAHY'S 13,000TH VOTE

Mr. DURBIN. Mr. President, I rise to honor Senator PATRICK LEAHY on the occasion of his 13,000th vote.

I have had the privilege of serving on the Senate Judiciary Committee under Senator LEAHY's leadership for more than 10 years. The Judiciary Committee is one of the original standing committees of the U.S. Senate and its role is unique. It is the Judiciary Committee's special charge to ensure that we remain faithful to our Founders' vision of America as a nation of laws.

As chairman of the Judiciary Committee, PATRICK LEAHY takes this responsibility very seriously and he has continually demonstrated his fidelity to the rule of law. Chairman LEAHY has repeatedly risen in defense of our fundamental constitutional rights, even when it is not politically popular.

He particularly distinguished himself in the aftermath of the 9/11 terrorist

attacks. At a time when some were calling for us to sacrifice our rights in the fight against terrorism, PAT LEAHY said that we could be both safe and free.

He worked to include important civil liberties protections in the PATRIOT Act. He led the opposition to controversial Bush administration policies relating to torture, indefinite detention, and the warrantless surveillance of innocent American citizens. He was one of the first Members of Congress to speak out against the Guantánamo Bay detention center. Chairman LEAHY led the fight against the Military Commissions Act. He was particularly eloquent and persistent in defending the right to habeas corpus and he was vindicated when the Supreme Court held that the habeas-stripping provision of the Military Commissions Act is unconstitutional.

Chairman LEAHY has also been a giant in the Senate when it comes to judicial nominations. He has fought to preserve the integrity and independence of our Federal judiciary throughout his career and long tenure on the Senate Judiciary Committee.

Despite the highly charged atmosphere that has beset the judicial nominations process in recent years, Chairman LEAHY handled judicial nominations fairly and expeditiously during his chairmanship of the Senate Judiciary Committee under President George W. Bush. In the approximately 3 years in which he chaired the Senate Judiciary Committee under President Bush, 168 of the President's judicial nominees were confirmed. By comparison, during the 4-year period under President Bush when Republicans had a majority in the Senate and chaired the Senate Judiciary Committee, only 158 judicial nominees were confirmed.

Chairman LEAHY also led the fight to enhance the security of Federal judges and courthouses in the wake of several tragic incidents of violence our Nation witnessed in recent years. This record is a tribute to Chairman LEAHY's deep respect for the Federal bench and his commitment to bipartisanship in the advice and consent process.

Senator LEAHY has fought for human rights at home and abroad. As the lead sponsor of the Innocence Protection Act, he has worked to ensure that innocent people are not subject to the death penalty. He has been the foremost champion in Congress in the campaign against antipersonnel landmines, authoring the first legislation by any government to ban the export of landmines.

I want to pay tribute particularly to Chairman LEAHY for creating the Human Rights and the Law subcommittee in January 2007 and for giving me the opportunity to chair this subcommittee during the 110th Congress. I was proud to work with Senator LEAHY in the 110th Congress to enact the Genocide Accountability Act, which makes it a crime to commit genocide anywhere in the world; the

Child Soldiers Accountability Act, which makes it a crime and violation of immigration law to recruit or use child soldiers anywhere in the world; and the Trafficking in Persons Accountability Act, which makes it a crime to engage in human trafficking anywhere in the world.

Mr. President, America is fortunate to have Senator PATRICK LEAHY's leadership at this challenging moment in our history. I look forward to working with him as we strive to restore the rule of law at home and to reclaim America's role as a champion for human rights around the world.

#### ADOPTION INCENTIVES PROGRAM

Mr. GRASSLEY. Mr. President, last year, working together, Republicans and Democrats produced one of the most far-reaching improvements to our Nation's child welfare system in over a decade. The Fostering Connections to Success and Increasing Adoptions Act of 2008 included a number of policies designed to increase the number of adoptions of special needs children in foster care.

Unfortunately, the Omnibus appropriations bill that the Senate is considering this week includes a provision that overrides the Adoption Incentives improvements included in the Fostering Connections to Success and Increasing Adoptions Act of 2008.

I have been told that it was not the intention of the drafters of the Omnibus appropriations bill to override the improvements to the Adoption Incentives Program and the Democratic leadership intends to correct this problem in the future.

The right thing would be to correct this problem in the underlying bill and I filed an amendment that would have accomplished this. Unfortunately, I was told by the Democratic leadership that they would not allow the bill to be changed at all.

I am not happy that I was not permitted to fix this problem in the omnibus bill. This unfortunate outcome, where real progress in increasing the number of adoptions is potentially jeopardized, highlights the perils of rushing legislation through in a partisan manner and not consulting with the committees of jurisdiction.

Mr. BAUCUS. I thank Senator GRASSLEY. We worked together on the Fostering Connections to Success and Increasing Adoptions Act of 2008 in what was a model of bipartisan and bicameral legislating. I do not want to see any provisions of that work jeopardized.

While I am certain that our colleagues on the Appropriations Committee in no way mean to jeopardize the adoption incentive provisions of the Fostering Connections and Increasing Adoptions Act, I also feel that communication with the Finance Committee would have led to an easy remedy. My staff, working with the Congressional Research Service, caught

the error as soon as the language was introduced and made available.

We need to work together toward a solution. I am prepared to introduce legislation to correct the error and preserve the work of the Finance Committee, Ways and Means Committee, and child welfare community.

Mr. GRASSLEY. I do want the members of the adoption community to be assured that I will do everything in my power to make sure this correction is made and that adoption incentive funds are made available. I will be happy to introduce legislation with my partner on the Senate Finance Committee, the chairman of that committee, Senator BAUCUS. We can base the legislation on my amendment to reinstate the adoption incentives improvements.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

I am sure you are fully aware of the impact high gasoline prices is having on Idahoans. A large portion of the population are on fixed incomes that do not rise with inflation or energy costs. Another large portion of the population barely earned enough to feed their families when gas was \$1.25 a gallon. Many of those same Americans are still earning the same or slightly better wages, though inflation and higher energy costs have effectively caused a net reduction in their incomes.

Personally, it is hard to find work, I have turned in dozens of applications without even a single interview. So, I decided to get my degree online, since it was out of the question to commute to a campus because of fuel costs. My best friend commuted for his entire two years of community college, roughly 60 miles round trip every day. However, it is prohibitively expensive to do so now. I am also self-employed, doing whatever work I can find, though it never amounts to much more than paying what expenses I do have. Lately I have been selling firewood to help cover the increases in gas prices, since I am a small-scale miner/gold prospector and

wish to explore some gold-producing regions in this great state this year.

I recall hearing that the government removed gasoline from the Consumer Price Index in the 80s; if this is true, it was a grave mistake. These gasoline and oil prices will cause inflation almost as fast as the Federal Reserve having a license to print money as fast as they can.

As an American, and Idahoan, I want to state that we need to lift the bans on offshore oil drilling. Norway, I believe, has always drilled offshore, and they export quite a bit of oil, as well as keeping their own energy costs down compared to other areas of the world. I understand that we are not drilling much offshore; however, I have heard that Cuba and other Caribbean countries have been, which means if we do not pump the oil ourselves, someone else will.

Second, hydroelectric is the safest, cheapest, and most superior form of electricity any country can harness and possess. Instead of demolishing dams, we need to build more if possible. Licenses need to be granted to all existing dams if there is any possible way for them to expand their generating capacity. Environmentalists cry we need more solar power. Solar panels are inefficient given that it takes a huge surface area to generate a small amount of energy. I suppose if they could be installed in places that are rarely used, and out of sight, so much the better, so Solar panels should be installed on the roofs of city buildings, would not take up valuable land that is so desperately needed for farming, and other uses.

As far as gasoline and alternative fuels, I would petition Congress to reopen the investigation into the Ocean Thermal Energy Conversion, which was experimented with during the 70s, but later abandoned after the oil crisis. It would use the naturally-heated water, pumped through heat exchangers, causing refrigerants to be evaporated in a closed system, driving turbines, creating electricity which could then be used to synthesize the ammonia fuel, which ammonia is not combustible in normal atmospheric pressure, but when introduced into a high pressure environment, such as a combustion chamber, it will combust. In the early part of this decade it was estimated that the fuel could be produced and distributed with probably no higher than a 50-cent per gallon cost. Just a small fleet of ships around the equator would be able to supply the entire world's energy. Combustion of the ammonia would produce only water vapor. I studied this in high school thanks to being in the U.S. Academic Decathlon, and it grabbed my interest so I did what research I could on the matter.

Another main objective should be to get the oil fields in Iraq back in production ASAP. I have read production reports from before and after the Iraq invasion. I forget how much Iraq was producing prior to the invasion, but afterwards, there has been negligible amounts of oil being produced there.

I would also propose that tax incentives should be given to wealthy landowners in regions that have historically been productive for wildcatting. The incentives being to get the landowners who can afford to, to explore their properties for oil.

There is also another solution which I feel the auto industry purposely avoids telling people. It is a fact, that I have seen, and rode in, never could find one for sale, SUVs, small pick-ups and the like, with 4-cylinder diesel engines that provided plenty of power, with a fuel economy of anywhere from 45 to 60 miles per gallon. Rudolph Diesel, who invented the Diesel engine had stated that his life's work would be complete once it was used in automobiles. I firmly believe the Germans have been at the forefront of tech-

nology, efficiency, and precision, and that auto makers should produce more vehicles with these 4-cylinder diesels.

I know, the environmentalists have for the most part banned diesel in many places. However, what makes it cleaner and better for the environment to burn 2.5 to 3 gallons of gas than to burn 1 gallon of diesel?

I do believe it is wrong to say that America is addicted to oil. We aren't addicted to oil; there is no alternative, and nothing that we can put in our tanks has the same energy potential gallon for gallon as gasoline or diesel. However, I recall vaguely a quote I read that was said by Nikola Tesla, basically saying it was barbaric for an nation to use up its crude oil reserves. But I say it is equally barbaric to use food crops to produce alternative fuels, AKA ethanol. Why cannot we turn noxious weeds such as knapp weed and bull thistles into ethanol? Why does it have to be corn? People are starving, and here we are gassing up with food that should be used to feed people. People cannot eat oil or gasoline. It is my understanding that the U.S. government pays subsidies to farmers so they do not plant hundreds of millions of acres of land to keep prices up on certain crops. If corn must be used, it should be from the land that the government is paying them not to plant, since the other corn crops are sufficient for food needs.

It is also my understanding that the world's largest deposit of oil shale exists in the United States. It amounts to almost double the proven recoverable crude oil reserves in the world. Why are not we mining and processing this oil shale? Further, I do not see how the oil companies are making record profits.

The one thing it has been politically incorrect to talk about is inflation. If you adjust the oil companies' incomes for inflation, everyone will find that in real wealth, their earnings are breaking no records. When gas was 25 cents a gallon, it was a silver quarter that was being paid. The amount of silver in a silver quarter is worth now approximately \$3 to \$4. So in terms of REAL wealth, constitutional money as per Article One, Section Ten, the price has gone from, what, 25 cents a gallon to 30 cents maybe? It is not that prices are going up; it is that the Fed is printing too much money driving the value of the dollar down faster than wages can go up, and this usury needs to stop.

They used to claim that there was not enough silver to maintain a silver standard and supply enough money for everyone. Hmmm. . . Guess what that causes? Deflation! The money would increase in purchasing power, and the same amount of silver would continue to be sufficient for the needs of the economy.

Sometimes I feel like I am the only American who understands this problem.

I would like to point out: Heads should have rolled after we abandoned the gold and silver standards. I am sure you know what debasing currency is. This is what helped bring Rome to an end. They figured out that most people would accept a coin for face value regardless of content. So, instead of say, 90% gold, the Romans started to debase their coinage, so they could make more money with less gold. The coins dropped in purity. More and more copper was added until their gold coins contained almost no gold. This is what happened in this country in the 60s when we abandoned silver. Our Founding Fathers understood the problem, so I would like to point out the one capital crime that no one has been sentenced for.

According to the Coin Act of 1792, those who debased the currency, "or otherwise with a fraudulent intent" were to suffer the death penalty:

"Penalty of Death for de-basing the coins. Section 19. And be it further enacted, That if

any of the gold or silver coins which shall be struck or coined at the said mint shall be debased or made worse as to the proportion of the fine gold or fine silver therein contained, or shall be of less weight or value than the same out to be pursuant to the directions of this act, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall at any time be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer or person who shall commit any or either of the said offenses, shall be deemed guilty of felony, and shall suffer death."

America is not being held hostage by the gas pumps, or the oil companies. Probably the greatest mistake any civilization could make was breaking up Standard Oil. As soon as Standard Oil was broken up, fuel prices went up quite a bit history records. America is being held hostage by the monetizers of debt, printing instead of legal tender, promissory notes which take a perfectly valuable commodity like paper and ink, and make them truly worthless, as stated by Ludwig Von Mises when he was talking about fiat currency.

Economist John Maynard Keynes, who was chief architect of the fiat currency system, had stated "The best way to destroy the capitalist system is to debauch the currency. By a continuing process of inflation, governments can confiscate, secretly and unobserved, an important part of the wealth of their citizens." And indeed that is what is happening.

Patrick Henry had stated "This great nation was founded not by religionists, but by Christians; not on religions, but on the Gospel of Jesus Christ!". I agree with this statement. However, our government has gone from the wise ways of a Republic, with the Biblical honest weights and measures, to a corrupted system that is now based almost entirely on the system of usury.

There is no shortage of oil, and people are willing to pay the prices they are paying for it now. They have no choice, and those prices being paid now, are the result of a paper currency that is constantly being inflated. A barrel of Oil is always worth a barrel of Oil, and an ounce of silver is always worth an ounce of silver. A dollar is not always worth a dollar.

So, while I still have the 1st Amendment rights, I am going to send this letter, and pray that it does not fall on deaf ears.

ADAM.

In response to your email requesting some stories about the rising oil costs, I would like to contribute the following. This will not be a simple paragraph or two and, for that, I apologize.

I grew up in Helena, Montana, and crawled around in mines and mills as a kid and young adult. I have seen firsthand, the long-term effects of mine waste and tailings piles where nothing would grow on the waste for 100 years, the small streams and creeks ran orange in Butte and the banks were brown for up to 10 feet on either side. Now, I also understand back then, this was not seen as damaging and there were plenty of open spaces and clear skies for the infant country of the USA and, without these mines and mills, the U.S. would not be what it is today.

I worked for almost 27 years in the oil exploration industry and almost 16 years of that was working and living in Brasil so I have firsthand exposure to the shortcomings and failures of alcohol fuels and the damage it has done to the economy of Brasil.



Further, I have seen what the U.S. has done to destroy the drilling industry in the states as well as driving out any U.S. Coast Guard licensed personnel, U.S. flag vessels and shipyard work done in the U.S.

Now let us consider alcohol fuels and blended gasoline:

As a developing country, Brasil needs oil, they do not have a large export economy and until recently, did not have a large internal oil supply. To offset the cost of importing oil, they mandated the use of alcohol as a fuel for their automobiles. Since labor is cheap and technology was not, Brasil had a huge labor intensive industry of raising sugar cane for the purpose of making fuel. In fact this was nothing more than rum!

Sugar cane derived fuel is still recognized as the "hottest" fuel as compared to corn.

Brasil mandated that alcohol fuel be the same price as gasoline and forced Petrobras to manufacture and distribute alcohol to do so.

Even at \$50/ month average worker wages, sugar cane growing almost unattended, IE no need for irrigation or fertilizers, the cost per liter of alcohol was 4 to 5 times that of the cost the same liter of gasoline! This resulted in an enormous tax base to Brazilian citizens, up to 60% and a horrid inflation spiral you cannot imagine, inflations of 100% per month!

In my opinion, alcohol is not only a stupid idea; it accelerates the consumption of oil and the earth's resources and causes MORE pollution. Here is why:

(1) Alcohol loves water and will absorb water while in storage and in use. This causes any iron or steel parts in the engine to wear out faster. This means more parts and or more engines are needed sooner. These parts can only be derived from metal which means more mining, smelting and more heavy metal pollution.

(2) Alcohol does not give as much power per unit of liquid as gasoline, no matter what! Anyone can do this and it does not need a scientific degree for real average Joe results. Drive in South Dakota where it is mandated to have 10% alcohol/ 90% gasoline blended fuel. The interstate is flat so you can set your cruise control. I did this in my Mazda pickup and have seen similar results by being forced to use alcohol fuels in Washington in other vehicles. By driving say 320 miles on the interstate with gasoline only, you can achieve say 20 miles per gallon which would use 16 gallons of gasoline.

Now, blended fuel decreases the fuel efficiency of any internal combustion and lowers its economy. This same vehicle with the blended fuel gets anywhere between 20 to 25% less MPG. In our same example, this vehicle would get 15 to 16 MPG, which means the same 320 miles would take 21 to 20 gallons of blend. Now, this blended fuel is 90% gasoline in 21 gallons of blend there is  $21 \times 0.9 = 18.9$  gallons of gasoline and 20 gallons of blend is  $20 \times 0.9 = 18$  gallons of gasoline.

So, our blended fuel consumes at least 20% more gasoline!!!! In this journey that means an average of 3 gallons more of gasoline for the trip.

These are real results I did myself!

Even autos designed for alcohol blends get less economy and consumes more fuel! You can check in Phoenix, Arizona, as they mandate blended fuels in the summer and the cars get poorer economy.

So, what does alcohol fuels do?

(1) Consumes more oil

(2) Consumes more of the earth's metals by wearing out engines quicker

(3) Consumes more of the earth's energy. You have to plant, harvest, ferment, distill and purify corn to generate alcohol. It costs about 6 times more per gallon to make than gasoline and wastes water, electricity and

fuel to make. Since the government subsidizes this, we the tax payers loose big time and the environment suffers at an even accelerated rate.

(4) It takes food out of circulation and raises prices.

(5) Who wins? Big oil for more demand, the automobile industry, farmers and the government in the form of more taxes.

(6) Who loses? The American citizen.

Now, what have I seen? Well, much of the U.S. does not have public transport and we have to drive for food, work, shopping and anything else. I have seen my gasoline bills almost double in the past 6 months and I am driving much less.

Much of the U.S. does not have natural gas and we use propane. Propane has jumped 50% in price the past 6 months that means heating bills have jumped 50%. Even though we are mainly hydroelectric for electricity, my power bill has increased an average of 25% due to pressure from fossil fuel increases.

I am retired and on a fixed income and cannot afford to pay my bills any longer due to the significant increases!

And please do not get me started on the fallacy of fluorescent lighting and electric autos. Both are dangerous and will cause tremendous heavy metal pollution as well as a larger demand for mining and thus more toxic waste.

Not to be a cynic but I know this will fall on deaf ears as it is not politically expedient to take the correct position instead of the one Washington currently has taken.

FRANK, *Spirit Lake.*

We recently took a three-night trip to Yellowstone Park, driving from Boise. Our VW Passat station wagon, a roomy and very comfortable car, uses about half the fuel of a pickup truck (29 to 34 mpg highway). For this trip for four adults, the cost of lodging and food (meals eaten in restaurants) dwarfed the cost of gasoline.

The higher price of fuel will spur both innovation ([www.aptera.com](http://www.aptera.com)) and conservation. As Boise is close to being under EPA "supervision" for air quality non-attainment (ozone), the higher price of gas can only help as demand slackens.

Let us face it, most of us are not wise users of energy, and with a little extra effort we all could reduce our consumption by 10% to 25%. I see many more pedestrians and bicycles on the streets, most of us need more exercise. Our consumptive habits and the growth of said consumption is not sustainable—innovation and conservation will have to happen to solve our energy problems.

In reading your email regarding this problem, I have to ask you who is responsible for lack of public transportation in this country?

DAVID, *Boise.*

## ADDITIONAL STATEMENTS

### HONORING EIGHT KENTUCKY STATE POLICE

• Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating eight members of the Kentucky State Police. These brave individuals went above and beyond to help keep the Commonwealth safe. The Excellence in Highway Safety Awards are given to troopers who have the highest numbers in driving under the influence, occupant protection, speed, and commercial vehicle citations written in 2008.

Trooper Chris Steward from the Dry Ridge Post received the award for the highest number of speed citations. Trooper Steward was praised by the Dry Ridge Post Commander for his dedication to saving lives on Kentucky's roads.

Sergeant Steve Walker from the London Post received the award for the highest number of DUI arrests in 2008. DUI related fatalities numbered 175 in Kentucky in 2008 and Sergeant Walker's extra effort to remove impaired drivers from the road has made Kentucky roadways a safer place to travel.

Trooper Walt Meachum from the Harlan Post received the award by hosting 484 community education events relative to highway safety issues. Trooper Meachum's vigorous commitment to educating younger people about unsafe driving is something every Kentucky citizen is grateful for.

Sergeant Derris Hedger from the Campbellsburg Post received the award for the highest number of seat belt citations in 2008. This area has seen a 50-percent reduction in highway fatalities compared to 2007, and Sergeant Hedger's efforts are playing a direct role in those reductions.

Officer Anthony Bersaglia from the Pikeville Commercial Vehicle Enforcement division received the award for the highest number of Commercial Motor Vehicle citations in 2008. Officer Bersaglia's work ethic and dedication are unmatched.

Officer Travis Rogers from the London Commercial Vehicle Enforcement Region received the award for the highest number of Commercial Motor Vehicle safety inspections. Officer Rogers continually strives to make Kentucky's roads a safer place and he is a credit to the division.

Officer Glenn Perry of the Louisville Commercial Vehicle Enforcement Region has received this award for the highest percentage of Commercial Motor Vehicle "Out of Service" inspections. The work Officer Perry performs on a daily basis and his professionalism on the roads is unmatched.

Inspector Marty Young from the Georgetown Commercial Vehicle Region received the award for the number of "Out of Service" inspections by a civilian employee. Investigator Young's success is evident in the Georgetown Region and his eye for detail has made a significant impact on highway safety.

I am humbled and grateful of the men and women who serve this agency every day by patrolling our roadways and keeping the Commonwealth safe. I am also confident that the coworkers of these eight individuals are proud to work along side of them.

Mr. President, I would like to thank these individuals for their contributions to the State of Kentucky and I wish them well as they continue to protect the citizens of the Commonwealth.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Williams, one of his secretaries.

# EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 2:26 p.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, in which it requests the concurrence of the Senate:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

## 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-922. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the report of two violations of the Antideficiency Act that occurred within the Appalachian Regional Commission; to the Committee on Appropriations.

EC-923. A communication from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting, pursuant to law, the Office's Annual Report for the year ending March 1, 2009; to the Committee on Armed Services.

EC-924. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-925. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Space Vehicle and Test Flight Activities from Vandenberg Air Force Base (VAFB), California" (RIN0648-AX08) received in the Office of the President of the Senate on March 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-926. A communication from the Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report entitled "Implementation Report: Energy Conservation Standards Activities"; to the Committee on Energy and Natural Resources.

EC-927. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological Material from Honduras" (RIN1505-AC11) received in the Office of the President of the Senate on March 5, 2009; to the Committee on Finance.

EC-928. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to overseas surplus property; to the Committee on Foreign Relations.

EC-929. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program Acquisition Regulation: Miscellaneous Clarifications and Corrections" (RIN3206-AL66) received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-930. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Nonforeign Area Cost-of-Living Allowance Rates; 2007 Interim Adjustments: Puerto Rico" (RIN3206-AL65) received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-931. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-19, "Disclosure to the United States District Court Temporary Amendment Act of 2009" received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-932. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-20, "Metropolitan Police Department Subpoena Limitation Temporary Amendment Act of 2009" received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-933. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-21, "Library Kiosk Services Temporary Act of 2009" received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-934. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-22, "Vending Regulation Temporary Act of 2009" received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-935. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-936. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of change in previously submitted reported information in the position of Associate Director of National Intelligence and Chief Information Officer, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-937. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of discontinuation of service in acting role in the position of Associate Director of National Intelligence and Chief Information Officer, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-938. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of change in previously submitted reported information in the position of Principal Deputy Director of National Intelligence, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-939. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of discontinuation of service in acting role in the position of Principal Deputy Director of National Intelligence, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-940. A communication from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, an annual report relative to crime victims' rights; to the Committee on the Judiciary.

EC-941. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to data-mining activities; to the Committee on the Judiciary.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 555. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 556. A bill to amend chapter 44 of title 18, United States Code, to modernize the process by which interstate firearms transactions are conducted by Federal firearms licensees; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself and Mr. KOHL):

S. 557. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Ms. MURKOWSKI, Mr. BURR, Ms. LANDRIEU, Mr. NELSON of Florida, and Mr. VOINOVICH):

S. 558. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to nutrition labeling of food offered for sale in food service establishments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. NELSON of Nebraska, and Mr. ROBERTS):

S. 559. A bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program; to the Committee on Armed Services.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. HARKIN, Mr. DODD, Ms. MIKULSKI, Mrs. MURRAY, Mr. REID, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. BYRD, Mr. INOUE, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER,

Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. NELSON of Florida, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mrs. SHAHEEN, Mr. BEGICH, Mr. BURRIS, Mr. KAUFMAN, and Mrs. GILLIBRAND):

S. 560. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mr. WYDEN, Mr. UDALL of New Mexico, Ms. CANTWELL, Mr. TESTER, Mr. JOHNSON, Mrs. MURRAY, Mr. UDALL of Colorado, and Mr. HATCH):

S. 561. A bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, and Ms. KLOBUCHAR):

S. 562. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 563. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CARDIN, and Mr. WYDEN):

S. 564. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. COCHRAN, Mr. LEVIN, and Mr. DORGAN):

S. 565. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. SCHUMER, and Mr. KENNEDY):

S. 566. A bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MENENDEZ (for himself, Mr. KERRY, Mr. DODD, and Mr. LUGAR):

S. Res. 72. A resolution expressing the sense of the Senate regarding drug trafficking in Mexico; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 73. A resolution authorizing expenditures by committees of the Senate for the periods March 1, 2009, through September 30, 2009, and October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 261

At the request of Mr. GRAHAM, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 261, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel.

S. 277

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 317

At the request of Mr. FEINGOLD, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 317, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 475

At the request of Mr. BURR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana

(Mr. VITTER) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 542

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 542, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

At the request of Mr. REID, the names of the Senator from Ohio (Mr. BROWN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. BENNETT), the Senator from Montana (Mr. TESTER), the Senator from New York (Mrs. GILLIBRAND), the Senator from North Carolina (Mrs. HAGAN), the Senator from Michigan (Ms. STABENOW), the Senator from Alaska (Mr. BEGICH), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Michigan (Mr. LEVIN), the Senator from Colorado (Mr. UDALL), the Senator from Delaware (Mr. CARPER), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Mexico (Mr. UDALL), the Senator from Illinois (Mr. BURRIS), the Senator from Rhode Island (Mr. REED), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 542, *supra*.

S. 546

At the request of Mr. REID, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Massachusetts (Mr. KERRY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. BROWN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. WYDEN) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors 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. RES. 60

At the request of Mrs. SHAHEEN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Res. 60, a resolution commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

S. RES. 64

At the request of Mrs. BOXER, the name of the Senator from Vermont

(Mr. SANDERS) was added as a cosponsor of S. Res. 64, a resolution recognizing the need for the Environmental Protection Agency to end decades of delay and utilize existing authority under the Resource Conservation and Recovery Act to comprehensively regulate coal combustion waste and the need for the Tennessee Valley Authority to be a national leader in technological innovation, low-cost power, and environmental stewardship.

S. RES. 70

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 70, a resolution congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL, of Colorado (for himself and Mr. BENNET):

S. 555. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL. Mr. President, today I am introducing the Sugar Loaf Fire Station Land Exchange Act of 2009.

This bill is the same as the version I introduced in the House of Representatives in the last Congress, H.R. 3181. It will facilitate a fair exchange of lands on the Arapaho-Roosevelt National Forest near Boulder, CO., between the Forest Service and the Sugar Loaf Fire District. The Fire District is seeking this exchange so that they can maintain and upgrade their fire stations serving the Sugar Loaf community and other nearby communities and properties—areas that are in the wildland/urban interface and thus at risk of wildfires. In fact, these fire stations serve the area that was burned in the Black Tiger Fire in 1989. That fire was the motivation for the Sugar Loaf community to invest more strongly in fire protection. The Fire District has grown a lot over the years, and will be celebrating its 40th anniversary this August.

The bill relates to two fire stations. The Fire District acquired station 1 through an original mining claim under the 1872 mining laws. In 1967, a public meeting was held on this property to establish a fire district and modify the old school building on the site into a firehouse to hold a fire truck and other firefighting equipment. On May 14, 1969, the U.S. Forest Service approved a special use permit, which allowed the fire department to use both the firehouse and approximately 5 acres of the property under it. The special use permit was reissued on August 11, 1994, with a life of 10 years.

In 1970, the fire department applied for a special use permit to operate and maintain a second firehouse—station

2—on Sugar Loaf Road. The original permit was approved of in 1970, and had an expiration date of December 31, 1991. The permit boundary included 2 acres.

The special use permit issued in 1994 combined the two permits for stations 1 and 2 into one. The new permit for station 2 reduced the permit area to one acre, because the area of impact and existing improvements did not exceed one acre.

The Fire District entered into discussions with the Forest Service about a land swap. In August 1997, the Fire District filed an application to acquire the property under stations 1 and 2 pursuant to the Small Tracts Act, STA. The STA allows for transfers of small mineral fractions by the sale of property for market value, or by the exchange of properties of nearly equal value. The application proposed trading a mining claim surrounded by National Forest, for approximately 3 acres under station 1 and 1.5 acres under station 2.

The Fire District worked in good faith to comply with the STA. In November 2002, officials from the Fire District met with officials from the Forest Service. Upon review of the STA application, the Forest Service concluded that the parcel under station 2 did not qualify for a land exchange and that the Fire District would have to pursue a new special use permit for the property under station 2. As a result, the Fire District is interested in securing ownership of the land under these stations through this exchange legislation.

The Fire District has occupied and operated these fire stations on these properties for over 30 years. If they can secure ownership, the lands will continue to be used as sites for fire stations. The Fire District has made a strong, persistent, good faith effort to acquire the land under the stations through administrative means and has demonstrated its sincere commitment to this project by expending its monetary resources and the time of its staff to satisfy the requirements set forth by the Forest Service.

However, those efforts have not succeeded and it has become evident that legislation is required to resolve the situation.

The Fire District is willing to trade the property it owns for the property under the stations. However, the Fire District is firm in its position that it wants land under both stations, and that the amount of land must be adequate to satisfy both its current and anticipated needs.

Under the bill, the land exchange will proceed if the Fire District offers to convey acceptable title to a specified parcel of land amounting to about 5.17 acres in an unincorporated part of Boulder County within National Forest boundaries between the communities of Boulder and Nederland. In return, the land—about 5.08 acres—where the two fire stations are located will be transferred to the Fire District.

The lands transferred to the Federal government will become part of the

Arapaho-Roosevelt National Forest and managed accordingly.

The bill provides that the Forest Service shall determine the values of all lands involved through appraisals in accordance with Federal standards. If the lands conveyed by the Fire District are not equal in value to the lands where the fire stations are located, the Fire District will make a cash payment to make up the difference. If the lands being conveyed to the Federal government are worth more than the lands where the fire stations are located, the Forest Service can equalize values by reducing the lands it receives or by paying to make up the difference or by a combination of both methods. The bill requires the Fire District to pay for the appraisals and any necessary land surveys.

The bill permits the Fire District to modify the fire stations without waiting for completion of the exchange if the Fire District holds the Federal government harmless for any liability arising from the construction work and indemnifies the Federal Government against any costs related to the construction or other activities on the lands before they are conveyed to the Fire District.

This is a relatively minor bill but one that is important to the Fire District and the people it serves. I think it deserves enactment without unnecessary delay.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. HARKIN, Mr. DODD, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. BYRD, Mr. INOUE, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. NELSON of Florida, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mrs. SHAHEEN, Mr. BEGICH, Mr. BURRIS, Mr. KAUFMAN, and Mrs. GILLIBRAND)):

S. 560. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. We are facing a profound economic crisis, the likes of which we have not seen since the Great Depression. Countless working families who were already living on the edge of financial disaster have been hit hard, and they have nothing to fall back on. Their faith in the American dream has been replaced by fear for their families and their future.

We have already taken some much-needed actions to put our country back on track, but more needs to be done. In these perilous times, working families need security. They need new skills and new opportunities. And they need a voice in the decisions that will affect their families and their futures.

Now more than ever, workers need someone on their side, fighting for them. Now more than ever, they need unions. Unions were fundamental in building America's middle class, and they have a vital role to play today in restoring the American dream for working families.

First and foremost, unions enable workers to obtain their fair share of the benefits that their hard work creates. Union wages are 30 percent higher than nonunion wages. Eighty percent of union workers have health insurance, compared to only 49 percent of their nonunion counterparts. Union members are four times more likely to have a guaranteed pension.

Equally important in this crisis, unions provide greater security and greater promise of fair treatment. At a time when workers who lose their jobs can remain unemployed for a year or more, those who are represented by a union have better job security and the assurance of knowing they will have a voice at the table when difficult decisions are made.

It is little wonder that so many Americans want a union on their side. In a recent survey, more than half of all nonunion workers—nearly 60 million men and women—say they would join a union if they could.

The problem is that most workers who want a union can't get one. Those who attempt to exercise this fundamental right often find that the current system is rigged against them.

Unscrupulous employers routinely break the law to keep unions out. They fire union supporters. They intimidate workers, harass them, and discriminate against them. They close down whole departments—or even entire plants—to avoid a union. A recent study by the Center for Economic and Policy Research found that union supporters are fired in more than one quarter of all union organizing campaigns.

Even when workers prevail in a union election, employers can steal the victory by refusing to bargain fairly for the first union contract. They drag their feet, delay bargaining, and use a variety of other tactics to prevent an agreement. One study found that in more than a third of hard-won union elections, workers are denied a contract because of employers' delaying tactics.

Many of these abuses by employers are illegal, but employers have no incentive to change their behavior. The penalties for violating workers' rights are so weak that they simply become a minor cost of doing business.

Obviously, not all employers see unions as the enemy. Many successful companies have allowed their workers

to organize without threats or dirty tricks. They have formed strong partnerships with their employees, and they have prospered. But these individual good examples are not enough to solve the problem. We need to deal with the bad actors. We need to stop the lawbreaking that has become alarmingly common and provide stronger protections for workers' rights.

That is why we need the Employee Free Choice Act. This important legislation will give American workers the real freedom to choose a union without fear of threats or intimidation.

First, the bill gives workers two possible ways to choose whether they want a union. They can rely on an election, or—if they fear intimidation from their employer during the election process—they can use a process called majority sign-up, which enables workers to choose whether they want a union by deciding whether to sign their name on a card calling for a union.

Majority sign-up has always been a valid way to form a union. Since 2003, more than half a million private sector workers have formed a union through this efficient and democratic process.

The problem is that under current law, workers may use the majority sign-up process only if their employer agrees. That is not fair. Workers—not their bosses—should get to choose how they make the important decision about whether they want union representation. The Employee Free Choice Act puts this choice in workers' hands.

Second, the bill ensures that workers who choose a union will have a fair process for getting a first contract. It provides that if the union and the employer don't reach a contract within 90 days, either side can seek mediation from the Federal Mediation and Conciliation Service. The agency has provided collective bargaining mediation services—including mediation of first contract negotiations—for more than 50 years, and it has an 86 percent success rate.

In the rare instance when the mediation process fails, the bill provides for binding arbitration, which will be handled by a panel of highly qualified arbitrators who have long experience in developing contract provisions that are fair to both sides. This type of arbitration is a tried-and-true method of resolving contract disputes that is already used in the rail and airline industries, and for public sector workers in at least 25 States.

Finally, the Employee Free Choice Act improves remedies for workers who face discrimination or retaliation when they seek to organize or obtain a first contract. Under the bill, employers will no longer be able to violate the law with impunity and write off the insignificant penalties as a minor cost of doing business. The act takes away these perverse incentives for employers to break the law by increasing the remedies for workers, and by imposing new penalties on employers who act ille-

gally during organizing campaigns or first-contract bargaining. These important changes will put real teeth in the law, and give employers a financial reason to respect workers' rights.

With these basic reforms, the Employee Free Choice Act will fix the current broken system and level the economic playing field for millions of American workers. It will help them obtain real, tangible benefits that will make a difference in their lives and in the lives of their families.

By restoring fairness to the American workplace, and strengthening the voice of American workers, we can rebuild the land of opportunity—a land with good jobs, fair wages, and fair benefits that can support a family. We can revitalize the American middle class and restore the American dream. I urge all of my colleagues to support this important legislation and help put working families back on the path to prosperity.

By Mr. NELSON, of Florida (for himself, Ms. SNOWE, and Ms. KLOBUCHAR):

S. 562. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, prepaid telephone calling cards are used by many Americans to stay in touch with loved ones around the country and throughout the world. Unfortunately, some providers and distributors of these cards are scamming consumers—by imposing undisclosed junk fees, charging exorbitant rates, and selling cards that expire shortly after consumers start using them.

Over the past couple of years, a number of State Attorneys General and the Federal Trade Commission have opened investigations and found that a number of providers and distributors are engaging in unfair and deceptive business practices. These practices include charging customers for calls where they receive busy signals, imposing weekly "maintenance fees" that may take away up to 20 percent of the card's overall value, and billing for calls in 3-minute increments.

As a result of these investigations, some companies have been fined or have entered into consent decrees forbidding them from engaging in some deceptive practices. In addition, some states—including Florida—have imposed certain regulatory requirements on prepaid calling card providers and distributors. To date, however, neither the Federal Communications Commission nor the Federal Trade Commission has taken any action to impose up-front nationwide consumer protection requirements on this industry. This lack of federal standards allows many of these unscrupulous operators to move from state to state, and create new "shell companies" to escape consumer protection regulations. This is

wrong, and I think we need to fix this situation.

That's why I rise today to introduce the Prepaid Calling Card Consumer Protection Act of 2009.

The Prepaid Calling Card Consumer Protection Act of 2009 requires the Federal Trade Commission to draft comprehensive rules requiring all prepaid telephone calling card providers and distributors to disclose the rates and fees associated with their calling cards up-front, at the point of sale. It also requires providers who market their cards in languages other than English to disclose rates and fees in that language as well. Furthermore, the legislation requires providers to honor the cards for at least a year after the time the card is first used.

To enforce these disclosure requirements, the bill gives the Federal Trade Commission, State Attorneys General, and state consumer protection advocates the ability to sue the fraudsters who violate these requirements in federal court. In addition, the law preserves additional state consumer protection requirements—such as state utility commission certification or bonding requirements.

I invite my colleagues to join with Senators SNOWE, KLOBUCHAR and myself in supporting the Prepaid Calling Card Consumer Protection Act of 2009. We should waste no time in ensuring that military servicemembers, seniors, immigrants and other Americans using these prepaid telephone calling cards are protected from bad actors in the marketplace.

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. 562

*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 "Prepaid Calling Card Consumer Protection Act of 2009".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) FEES.—

(A) IN GENERAL.—The term "fees" means all charges, fees, taxes, or surcharges, including connection, hang-up, service, payphone, and maintenance charges, which may be—

(i) required by State or Federal statute or by regulation or order of the Commission or a State; or

(ii) permitted to be assessed by a State or Federal statute or by regulation or order of the Commission or a State.

(B) EXCLUSION.—The term "fees" does not include the applicable per unit or per-minute rate for the particular destination called by a consumer.

(3) INTERNATIONAL PREFERRED DESTINATION.—The term "international preferred destination" means a specific international destination named on a prepaid telephone calling card or on the packaging material accompanying a prepaid telephone calling card.

(4) PREPAID TELEPHONE CALLING CARD.—

(A) IN GENERAL.—The terms "prepaid telephone calling card" and "card" mean—

(i) a card or similar device that allows users to pay in advance for a specified amount of calling, without regard to additional features, functions, or capabilities available in conjunction with a prepaid telephone calling service; or

(ii) any right of use purchased in advance for a sum certain linked to an access number and authorization code that—

(I) enables a consumer to use a prepaid telephone calling service; and

(II) is embodied on a card or other physical object, or purchased by an electronic or telephonic means through which the purchaser obtains access numbers and authorization codes that are not physically located on a card, its packaging, an Internet website, or other promotional materials.

(B) EXCLUSION.—The terms "prepaid telephone calling card" and "card" do not include cards or other rights of use that provide access to—

(i) service provided for free, or at no additional charge as a promotional item accompanying a product or service purchased by a consumer; or

(ii) a wireless telecommunications service account with a wireless service provider that the purchaser has a preexisting relationship with or establishes a carrier customer relationship with via the purchase of a prepaid wireless telecommunications service handset package.

(5) PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.—

(A) IN GENERAL.—The term "prepaid telephone calling card distributor" means any person that—

(i) purchases prepaid telephone calling cards or services from a prepaid telephone calling service provider; and

(ii) sells, resells, issues, or distributes prepaid telephone calling cards to 1 or more distributors of such cards or to 1 or more retail sellers of such cards.

(B) EXCLUSION.—The term "prepaid telephone calling card distributor" does not include any retail merchant or seller of prepaid telephone calling cards exclusively engaged in point-of-sale transactions with end-user customers.

(6) PREPAID TELEPHONE CALLING SERVICE.—

(A) IN GENERAL.—The terms "prepaid telephone calling service" and "service" mean any real time voice communications service, regardless of the technology or network utilized, paid for in advance by a consumer, that allows a consumer to originate voice telephone calls through a local, long distance, or toll-free access number and authorization code, whether manually or electronically dialed.

(B) EXCLUSION.—The terms "prepaid telephone calling service" and "service" do not include any service that provides access to a wireless telecommunications service account if the purchaser has a preexisting relationship with the wireless service provider or establishes a carrier-customer relationship via the purchase of a prepaid wireless telecommunications service handset package.

(7) PREPAID TELEPHONE CALLING SERVICE PROVIDER.—The term "prepaid telephone calling service provider" means any person providing prepaid telephone calling service to the public using its own, or a resold, network offering real time voice communications service regardless of the technology utilized.

(8) WIRELESS TELECOMMUNICATIONS SERVICE.—The term "wireless telecommunications service" has the meaning given the term "commercial mobile service" in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

#### SEC. 3. REQUIRED DISCLOSURES OF PREPAID TELEPHONE CALLING CARDS OR SERVICES.

(a) REQUIRED DISCLOSURE; RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Commission shall prescribe regulations that require every prepaid telephone calling service provider or prepaid telephone calling card distributor to disclose the following information relating to the material terms and conditions of the prepaid telephone calling card or service:

(1) INFORMATION RELATING TO DOMESTIC INTERSTATE CALLS.—

(A) The number of calling units or minutes of domestic interstate calls provided by such card or service at the time of purchase; or

(B) the dollar value of such card or service and the domestic interstate rate per-minute provided by such card or service at the time of purchase.

(2) INFORMATION RELATING TO INTERNATIONAL PREFERRED DESTINATIONS.—The applicable calling unit or per-minute rates for each international preferred destinations served by such card or service.

(3) INFORMATION RELATING TO INDIVIDUAL INTERNATIONAL DESTINATIONS.—

(A) The applicable calling unit or per-minute rates for each individual international destinations served by such card or service.

(B) That the applicable calling unit or per-minute rates for each individual international destination may be obtained through the prepaid telephone calling card provider's toll-free customer service number and Internet website.

(C) Whether those rates fluctuate.

(4) OTHER MATERIAL TERMS AND CONDITIONS.—Other material terms and conditions pertaining to the use of such card or service, including—

(A) the amount and frequency of all fees;

(B) a description of applicable policies relating to refund, recharge, decrement, or expiration; and

(C) limitations, if any, on the use or period of time for which the displayed, promoted, or advertised minutes or rates will be available to the customer.

(5) SERVICE PROVIDER INFORMATION.—Information relating to the service provider, including—

(A) the name of the service provider;

(B) the address of such service provider, which shall be made available on the provider's website (if any), together with the uniform resource locator address thereof; and

(C) a toll-free telephone number that may be used to contact the customer service department of such service provider, together with the hours of service of the customer service department.

(b) CLEAR AND CONSPICUOUS DISCLOSURE OF REQUIRED INFORMATION AND LANGUAGE REQUIREMENTS.—In prescribing regulations under subsection (a), the Commission shall require, at a minimum, that—

(1) the required disclosures (other than the disclosure required by subsection (a)(3)(A)) for prepaid telephone calling cards are printed in plain English in a clear and conspicuous location on the card, or on the packaging of the card, so as to be plainly visible to a consumer at the point of sale;

(2) the required disclosures (other than the disclosure required by subsection (a)(3)(B)) for prepaid telephone calling service that consumers access and purchase via the Internet are displayed in plain English in a clear and conspicuous location on the Internet site from which the consumer purchases such service, and include conspicuous instructions and directions to any link to such disclosures;



(3) the required disclosures (other than the disclosure required by subsection (a)(3)(A)) for advertising and other promotional materials are printed on any advertising for the prepaid telephone calling card or service used at the point of sale, including on any signs for display by retail merchants, displayed on any Internet site used to promote material, and on any other promotional material used at the point of sale that is prepared by, or at the direction of, any person that is subject to the requirements of this Act; and

(4) if a language other than English is predominantly used on a prepaid telephone calling card or its packaging, or in the point-of-sale advertising, Internet advertising, or promotional material of a prepaid telephone calling card or prepaid telephone calling service, then the required disclosures are provided in that language on such card, packaging, advertisement, or promotional material in the same manner as if they were provided in English.

(5) if a language other than English is predominantly used on a prepaid telephone calling card or its packaging, or in the point-of-sale advertising, or promotional materials of a prepaid telephone calling card or prepaid telephone calling service, then the customer service department reached via a toll-free number must provide basic customer support (per-minute rate or equivalent calling units for each destination, fees, and terms of service) in that language.

(c) IMPLEMENTING REGULATIONS.—The Commission may, in accordance with section 553 of title 5, United States Code, prescribe such other disclosure regulations as the Commission determines are necessary to implement this section.

#### SEC. 4. UNLAWFUL CONDUCT RELATED TO PREPAID TELEPHONE CALLING CARDS.

(a) PREPAID TELEPHONE CALLING SERVICE PROVIDER.—It shall be unlawful for any prepaid telephone calling service provider to do any of the following:

(1) UNDISCLOSED FEES AND CHARGES.—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per-minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed in accordance with the regulations prescribed under section 3.

(2) MINUTES AND RATES AS PROMOTED AND ADVERTISED.—With respect to a prepaid telephone calling card for a service of the prepaid telephone calling service provider, to provide fewer minutes than the number of minutes promoted or advertised, or to charge a higher per-minute rate to a specific domestic destination or international preferred destination than the per-minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card;

(B) any point-of-sale material relating to the card that is prepared by or at the direction of the prepaid telephone calling card service provider; or

(C) other advertising related to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, AND ADVERTISED THROUGH VOICE PROMPTS.—To provide fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given by the prepaid telephone calling service provider to a consumer at the time the consumer places a call to a dialed domestic destination or international preferred destination with a prepaid telephone calling card or service.

(4) EXPIRATION.—To provide, sell, resell, issue, or distribute a prepaid telephone calling card that expires—

(A) before the date that is 1 year after the date on which such card is first used; or

(B) in the case of a prepaid telephone calling card or service that permits a consumer to purchase additional usage minutes or add additional value to the card, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card.

(5) CHARGES FOR UNCONNECTED CALLS.—To assess any fee or charge for any unconnected telephone call. For purposes of this paragraph, a telephone call shall not be considered connected if the person placing the call receives a busy signal or if the call is unanswered.

(6) MAXIMUM BILLING INCREMENTS.—To assess or deduct a per-minute rate (or equivalent calling unit) in an increment greater than 1 minute of calling time for calls that are less than 1 full minute. It shall not be a violation of this section for a prepaid telephone calling service provider to deduct different destination-specific rates (or equivalent calling units) for each full minute of calling time in accordance with properly disclosed rates or other terms and conditions.

(b) PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.—It shall be unlawful for any prepaid telephone calling card distributor to do any of the following:

(1) UNDISCLOSED FEES AND CHARGES.—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per-minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed as required by regulations prescribed under section 3.

(2) MINUTES AS PROMOTED AND ADVERTISED.—To sell, resell, issue, or distribute any prepaid telephone calling card that the distributor knows provides fewer minutes than the number of minutes promoted or advertised, or a higher per-minute rate to a specific destination than the per-minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card that is prepared by or at the direction of the prepaid telephone calling card service distributor;

(B) any point of sale material relating to the card that is prepared by or at the direction of the prepaid telephone calling card service distributor; or

(C) other advertising relating to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, OR ADVERTISED THROUGH VOICE PROMPTS.—To sell, resell, issue, or distribute a prepaid telephone calling card that such distributor knows provides fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given to a consumer at the time the consumer places a call to a dialed destination with the prepaid telephone calling card or service.

(4) EXPIRATION.—To provide, sell, resell, issue, or distribute a prepaid telephone calling card that expires—

(A) before the date that is 1 year after the date on which such card is first used; or

(B) in the case of a prepaid telephone calling card that permits a consumer to purchase additional usage minutes or add additional value to the card or service, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card or service.

(c) LIABILITY.—A prepaid telephone calling service provider or a prepaid telephone calling card distributor may not avoid liability under this section by stating that the displayed, announced, promoted, or advertised minutes, or the per-minute rate to a specific destination, are subject to fees or charges. A prepaid calling service provider or prepaid calling distributor shall not be liable for the disclosure of lawful fees, charges, or limitations made pursuant to regulations prescribed by the Commission under section 3, including lawful conditions of use.

(d) IMPLEMENTING REGULATIONS.—The Commission may, in accordance with section 553 of title 5, United States Code, prescribe such regulations as the Commission determines are necessary to implement this section.

#### SEC. 5. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—Notwithstanding any other provision of law, a violation of a regulation prescribed under section 3 or the commission of an unlawful act proscribed under section 4 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) AUTHORITY OF THE COMMISSION.—The Commission shall enforce this Act in the same manner and by the same means as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Notwithstanding section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)), communications common carriers shall be subject to the jurisdiction of the Commission exclusively for the purposes of this Act, and section 5(a)(2) shall not be otherwise affected.

(c) FEDERAL COMMUNICATIONS COMMISSION AUTHORITY.—

(1) To the extent that the Federal Trade Commission has authority under this Act with respect to prepaid calling cards, prepaid calling card providers and prepaid calling card distributors, the Federal Communications Commission shall not exercise any authority that it may otherwise have with respect to such cards, providers and distributors;

(2) Except as provided in paragraph (1), nothing in this Act affects the authority of the Federal Communications Commission with respect to such prepaid calling card providers and distributors.

#### SEC. 6. STATE ENFORCEMENT.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State, a State utility commission, or other authorized State consumer protection agency has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State, as *parens patriae*, may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin that practice;

(B) to enforce compliance with this Act;

(C) to obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) to obtain such other relief as the court may consider to be appropriate.

(2) NOTICE TO FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide to the Commission—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

## (B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to the filing of an action under paragraph (1) if the attorney general of a State, a State utility commission, or an authorized State consumer protection agency filing such action determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide notice and a copy of the complaint to the Commission at the time the action is filed.

## (b) INTERVENTION BY FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—Upon receiving notice under subsection (a)(2), the Commission may intervene in the action that is the subject of such notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), the Commission may—

(A) be heard with respect to any matter that arises in that action; and

(B) file a petition for appeal.

(c) CONSTRUCTION.—Nothing in this Act may be construed to prevent an attorney general of a State, a State utility commission, or an authorized State consumer protection agency from exercising the powers conferred on the attorney general, a State utility commission, or an authorized State consumer protection agency by the laws of that State—

(1) to conduct investigations;

(2) to administer oaths or affirmations;

(3) to compel the attendance of witnesses or the production of documentary and other evidence;

(4) to enforce any State consumer protection laws of general applicability; or

(5) to establish or utilize existing administrative procedures to enforce the provisions of the law of such State.

## (d) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) shall be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

**SEC. 7. APPLICATION.**

The regulations prescribed under section 3 and the provisions of sections 3 and 4 shall apply to any prepaid telephone calling card issued or placed into the stream of commerce, and to any advertisement, promotion, point-of-sale material or voice prompt regarding a prepaid telephone calling service that is created or disseminated more than 120 days after the date on which the regulations prescribed under section 3 are published in the Federal Register.

**SEC. 8. EFFECT ON STATE LAW.**

## (a) PREEMPTION.—

(1) IN GENERAL.—Except as otherwise provided in this section, this Act preempts the laws of any State or political subdivision thereof to the extent that such laws are inconsistent with this Act, or the rules, regulations, or orders issued by the Commission under this Act.

(2) EXCEPTIONS.—This Act shall not preempt any provision of State law or enforcement action that provides additional enforcement protection to consumers of prepaid telephone calling cards if such provision of law or enforcement action—

(A) imposes higher fines or more punitive civil or criminal remedies, including injunctive relief, for any violation of this Act, or the rules, regulations, or orders issued by the Commission under this Act; or

(B)(i) relates to terms, conditions, or issues that are not addressed by this Act, or by the rules, regulations, or orders issued by the Commission under this Act; and

(ii) is not determined by the Commission to be inconsistent with the public interest.

## (b) PETITIONS CONCERNING PREEMPTION.—

## (1) PETITIONS BY PROVIDERS.—

(A) AUTHORITY TO PETITION.—A prepaid telephone calling card provider or a prepaid telephone calling card distributor may submit a petition to the Commission to challenge a State law or regulation—

(i) as inconsistent with this Act or the rules, regulations, or orders issued by the Commission under this Act; or

(ii) as inconsistent with the public interest, if the measure relates to terms, conditions, or issues that are not addressed by this Act, or the rules, regulations, or orders issued by the Commission under this Act.

(B) DEADLINE FOR COMMISSION ACTION.—Within 90 days after receiving a petition under subparagraph (A), the Commission shall issue a final determination on the issues presented in the petition. The Commission may issue an order staying the effectiveness of any State law or regulation that is the subject of the petition during, but for no longer than, such 90-day period.

(2) PROCEEDINGS ON UNADDRESSED ISSUES.—If, on the basis of any petition under paragraph (1), the Commission determines that a term, condition, or issue is not addressed by sections 3 or 4 of this Act, or the rules issued by the Commission under this section 3 of this Act, the Commission shall, within 180 days after the date of such determination, conduct an inquiry or other proceeding to determine whether the Commission should, in the public interest, promulgate a rule, pursuant to section 3(c), to address such term, condition, or issue.

**SEC. 9. GAO STUDY.**

Beginning 1 year after the date on which final regulations are promulgated pursuant to section 3(a), the Comptroller General shall conduct a study of the effectiveness of this Act and the disclosures required under this Act and shall submit a report of such study to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation no later than 2 years after the date of enactment of this Act.

By Mr. FEINGOLD (for himself,  
Mr. GRASSLEY, Mr. LIEBERMAN,  
Mr. KENNEDY, Mr. CARDIN, and  
Mr. WYDEN):

S. 564. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two factfinding commissions: one commission to review the treatment by our Government during World War II of American citizens or residents of German or Italian descent and persons of European descent living in Latin American countries, and another commission to review the U.S. Government's treatment of Jewish refugees

fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my colleagues Senators GRASSLEY, KENNEDY, LIEBERMAN, INOUE, CARDIN and WYDEN have joined me as cosponsors of this important bill. I thank them for their support. And I thank Congressman WEXLER, who has been the unflagging champion of this legislation and will be introducing an identical bill in the House of Representatives.

The victory of America and its allies in the Second World War was a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, at the same time that so many brave Americans fought for freedom in Europe and the Pacific, the U.S. Government was curtailing the freedom of people here at home. While it is, of course, the right of every nation to protect itself during wartime, the U.S. Government must respect the basic freedoms for which so many Americans have given their lives. War tests our principles and our values. And as our Nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the basic freedoms guaranteed by the Constitution.

Many Americans are aware that during World War II, under the authority of Executive Order 9066, our Government forced more than 100,000 ethnic Japanese from their homes and ultimately into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities and were held behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved.

While I commend our Government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, I believe that it is time that the Government also acknowledge the mistreatment experienced by American citizens or residents of German or Italian descent and persons of European descent living in Latin American countries, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. Government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II.

I believe that most Americans are unaware that the U.S. Government designated more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families as "enemy aliens." The U.S. Government unfairly subjected many to arrest, detainment, and relocation. Indeed, as was the case with Japanese Americans, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps during World War II. Even less well known is the U.S. policy coordinated with many Latin American countries that resulted in thousands of European Americans, including German and Austrian Jews, being arrested, shipped to the United States by U.S. military transport, and interned. Many European Americans and European Latin Americans were later repatriated or deported to European Axis nations during World War II, and some were exchanged for Americans and Latin Americans held in those nations. We must learn from this history and explore why we failed to protect the basic freedoms of our fellow Americans and those brought here from Latin America.

A second commission created by this bill will review the treatment by the U.S. Government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts here as well and determine how restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. It is a horrible truth that the United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. Government to complete the accounting of this period in our Nation's history. It is now time to create independent, fact finding commissions to conduct a full and thorough review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point, there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded "enemy aliens" and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for Latin Americans of European descent who were taken from their homes, shipped to the United States, and interned here.

There has been no justice for the European Americans and European Latin

Americans who were repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the *St. Louis*, who sought refuge from hostile Nazi treatment but were callously turned away at America's shores.

The injustices to European Americans, European Latin Americans, and Jewish refugees occurred more than 60 years ago. Americans must learn from these tragedies now, while the people who survived these injustices are still with us, and are still here to teach us. We cannot put this off any longer. Their numbers are rapidly dwindling. I spoke on the Senate floor in the last Congress about one such former internee, Max Ebel, who died still waiting for his country to acknowledge his internment and those of many other European Americans. If we wait any longer, even more people who were affected will no longer be here to know that Congress has at last recognized their sacrifice and resolved to learn from the mistakes of the past.

We should never allow this part of our Nation's history to repeat itself. And, while we should be proud of our Nation's triumph in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

I was very pleased that the Senate approved this bill by an overwhelming bipartisan majority as an amendment to the immigration bill in 2007. I urge my colleagues to join me in supporting the Wartime Treatment Study Act again this Congress, and to allow this bill to become law as soon as possible. I have been seeking to enact this legislation for eight years. It is long past time for a full accounting of this tragic chapter in our Nation's history.

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. 564

*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 "Wartime Treatment Study Act".

#### SEC. 2. 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 1930's and 1940's, 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. 3. DEFINITIONS.

In this Act:

(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.

**TITLE I—COMMISSION ON WARTIME  
TREATMENT OF EUROPEAN AMERICANS**  
**SEC. 101. 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 title 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. 102. 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 101(e).

**SEC. 103. 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 title, 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. 104. 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. 105. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated \$600,000 to carry out this title.

**SEC. 106. SUNSET.**

The European American Commission shall terminate 60 days after it submits its report to Congress.

**TITLE II—COMMISSION ON WARTIME  
TREATMENT OF JEWISH REFUGEES**

**SEC. 201. 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 title 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. 202. 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 201(e).

#### **SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.**

(a) **IN GENERAL.**—The Jewish Refugee Commission or, on the authorization of the Com-

mission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, 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. 204. 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. 205. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated \$600,000 to carry out this title.

#### **SEC. 206. SUNSET.**

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

### **TITLE III—FUNDING SOURCE**

#### **SEC. 301. FUNDING SOURCE.**

Of the funds made available for the Department of Justice by the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), \$1,200,000 is hereby rescinded.

By Mr. DURBIN (for himself, Mr. COCHRAN, Mr. LEVIN, and Mr. DORGAN):

S. 565. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

Mr. DURBIN. March 12 is recognized as World Kidney Day, a day to raise awareness of the major health and societal costs of kidney disease. Today, 26 million American adults have chronic kidney disease, and 500,000 have irreversible kidney failure, or end-stage renal disease ESRD. These patients require dialysis or a kidney transplant to survive.

Fortunately, medical advancements have transformed organ transplantation from an experimental procedure into the accepted and often best treatment for organ failure. Transplantation has prolonged and improved the lives of thousands of Americans. Over 16,000 Americans received a kidney transplant in 2007, and 150,000 today are living with functioning kidney transplants.

Many of these kidney transplants were paid for by the Medicare system, which provides health care to aged and disabled Americans, as well as those living with ESRD. For these ESRD patients, Medicare also covers dialysis for patients who have not received a donor kidney and immunosuppressive drugs for kidney transplant recipients. Organ transplant recipients must take immunosuppressive drugs every day for the life of their transplant to reduce the risk of organ rejection.

In 2000, Congress wisely eliminated the 36-month time limitation for aged and disabled beneficiaries who had Medicare status at the time of transplant. So today, for an older or disabled person on Medicare, immunosuppressive drugs are covered by Medicare for the life of the transplant.

However, we still have an unfair and unrealistic gap in coverage for people with ESRD who are neither disabled nor elderly. For those transplant recipients, coverage for immunosuppressive drugs ends 36 months after transplantation. This is economically inefficient and morally wrong. Without regular access to immunosuppressive drugs to prevent rejection, many patients find themselves back in a risky and frightening place—in need of a new kidney.

Since Medicare covers the cost of the transplant for end stage renal disease, it makes sense for Medicare to preserve

this investment by covering antirejection drugs. It would be far less expensive for Medicare to cover immunosuppressive drugs at a cost of \$10,000 to \$20,000 a year than to pay for dialysis—\$71,000 a year—or another transplant, \$106,000, if a patient's kidney fails and he is once again eligible for Medicare coverage.

I am pleased to introduce today, along with my colleague from Mississippi, Senator THAD COCHRAN, the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act. This legislation would allow kidney transplant recipients to continue Medicare coverage for the purpose of immunosuppressive drugs only. All other Medicare coverage would end 36 months after the transplant.

It is time to take this step to provide continuous coverage for immunosuppressive drugs through Medicare. This is a logical and moral move that will reduce the need for dialysis and kidney retransplants and provide reliable, sustained access to critically important, lifesaving medications for thousands of Americans. In the long run, we will save both money and lives.

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. 565

*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 "Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009".

#### SEC. 2. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426-1(b)(2)) is amended by inserting "(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))" after "shall end".

(2) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking "Every individual who" and inserting "(a) IN GENERAL.—Every individual who"; and

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

"(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ELIGIBLE ONLY FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

"(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226A(b)(2), the following rules shall apply:

"(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

"(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

"(C) The provision of such drugs shall be subject to the application of—

"(i) the deductible under section 1833(b); and

"(ii) the coinsurance amount applicable for such drugs (as determined under this part).

"(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

"(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

"(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226A(b)(2); and

"(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part."

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426-1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: "With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, this subparagraph shall be applied without regard to any time limitation."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

#### SEC. 3. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

#### "SEC. 2708. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, and such requirement shall be deemed to be incorporated into this section."

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)(A)) is amended by inserting "(other than section 2708)" after "requirements of such subparts".

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

#### "SEC. 715. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, and such requirement shall be deemed to be incorporated into this section."

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking "section 711" and inserting "sections 711 and 715".

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 714 the following new item:

"Sec. 715. Coverage of immunosuppressive drugs."

(C) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9813 the following new item:

"Sec. 9814. Coverage of immunosuppressive drugs for kidney transplant recipients.";

and

(2) by inserting after section 9813 the following:

#### "SEC. 9814. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

"A group health plan shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, and such requirement shall be deemed to be incorporated into this section."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2010.

By Mr. DURBIN (for himself, Mr. SCHUMER, and Mr. KENNEDY):

S. 566. A bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. When consumers purchase tangible consumer products such as toasters or televisions, they can be reasonably confident that the products are safe for their families to use. In America we don't say "buyer beware" when it comes to lead paint in toys or risky drugs. But when Americans purchase financial products such as mortgages or credit cards, they often have little idea whether those products—and the mountain of fine print that come with them—are good for their families. Why?

The answer is that consumer products are subject to oversight, while financial products are not. Professor Elizabeth Warren, Chairperson of the Congressional Oversight Panel for the \$700 billion Troubled Assets Relief Program, was right when she said "we need more oversight." That was more than a year ago.



Today there are no fewer than 10 Federal regulators with responsibility for consumer protections from predatory or deceptive financial products, but none have oversight as its primary objective.

The legislation that I am introducing today with Senators SCHUMER and KENNEDY would create a Financial Product Safety Commission that would focus exclusively on the interests of consumers. I am pleased that Congressmen BILL DELAHUNT and BRAD MILLER will be introducing the House companion.

The objectives of the Financial Product Safety Commission would be to reduce consumer risk in using financial products, coordinate enforcement with other Federal and State regulators, and report to the public regarding the state of consumer financial product safety.

The Financial Product Safety Commission would fulfill that mission by preventing predatory and deceptive financial practices, educating consumers on the responsible use of financial products and services, establishing a regulatory floor beneath which consumer financial product safety could not fall, and recommending the steps that should be taken to improve the value of financial products for consumers.

The bill is supported by over 55 national and State organizations, including Consumer Federation of America, Center for Responsible Lending Leadership Conference on Civil Rights, NAACP, La Raza, AFL-CIO, SEIU, National Consumer Law Center, Consumers Union, Public Citizen, and U.S. PIRG. I include a statement of support for the RECORD.

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

Mr. President, I ask unanimous consent that the text of the bill and supporting material be printed in the RECORD.

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

S. 566

*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 “Financial Product Safety Commission Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Establishment of Commission.
- Sec. 5. Objectives and responsibilities.
- Sec. 6. Coordination of enforcement.
- Sec. 7. Authorities.
- Sec. 8. Collaboration with Federal and State entities.
- Sec. 9. Prohibited acts.

Sec. 10. Enforcement.

Sec. 11. Reports.

Sec. 12. Authorization of appropriations.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Nation’s multiagency financial services regulatory structure has created a dispersion of regulatory responsibility, which in turn has led to an inadequate focus on protecting consumers from inappropriate consumer financial products and practices;

(2) the absence of appropriate oversight has allowed excessively costly or predatory consumer financial products and practices to flourish; and

(3) the creation of a regulator whose sole focus is the safety of consumer financial products would help address this lack of consumer protection.

#### SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms “Commission”, “Chairperson”, and “Commissioner” mean the Financial Product Safety Commission established under this Act and the Chairperson and any Commissioner thereof, respectively;

(2) the term “consumer financial product” includes—

(A) any extension of credit, deposit account, payment mechanism, or other product or service within the scope of—

(i) the Truth in Savings Act (12 U.S.C. 4301 et seq.);

(ii) the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.); or

(iii) article 3 (relating to negotiable instruments) or article 4 (relating to bank deposits) of the Uniform Commercial Code, as in effect in any State;

(B) any other extension of credit, deposit account, or payment mechanism; and

(C) any ancillary product, practice, or transaction;

(3) the term “appropriate committees of Congress” means the Committee on Banking, Housing, and Urban Affairs and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the Senate, and the Committee on Financial Services and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the House of Representatives, and any successor committees, as may be constituted;

(4) the term “consumer” means any natural person and any small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

(5) the term “credit” has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

#### SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT; CHAIRPERSON.—

(1) ESTABLISHMENT.—There is established the “Financial Product Safety Commission” which shall be an independent establishment, as defined in section 104(1) of title 5, United States Code.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be comprised of 5 commissioners, appointed by the President, by and with the advice and consent of the Senate.

(B) CONSIDERATIONS.—In making appointments to the Commission, the President shall consider individuals who, by reason of their background and expertise in areas related to consumer financial product safety, are qualified to serve as members of the Commission.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from among the members of the Commission.

(4) REMOVAL.—Any Commissioner may be removed by the President for neglect of duty

or malfeasance in office, but for no other cause.

(b) TERM; VACANCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2)—

(A) the Commissioners first appointed under this section shall be appointed for terms ending 3, 4, 5, 6, and 7 years, respectively, after the date of enactment of this Act, the term of each to be designated by the President at the time of nomination; and

(B) each of their successors shall be appointed for a term of 5 years from the date of the expiration of the term for which the predecessor was appointed.

(2) LIMITATIONS.—Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor thereof was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of such term until a successor has taken office, except that such Commissioner may not continue to serve more than 1 year after the date on which the term of that Commissioner would otherwise expire under this subsection.

(c) RESTRICTIONS ON OUTSIDE ACTIVITIES.—

(1) POLITICAL AFFILIATION.—Not more than 3 Commissioners may be affiliated with the same political party.

(2) CONFLICTS OF INTEREST.—No individual may serve as a Commissioner if that individual—

(A) is in the employ of, holding any official relation to, or married to any person engaged in selling or devising consumer financial products;

(B) owns stock or bonds of substantial value in a person so engaged;

(C) is in any other manner pecuniarily interested in a person so engaged; or

(D) engages in any other business, vocation, or employment.

(d) VACANCIES; QUORUM; SEAL; VICE CHAIRPERSON.—

(1) VACANCIES.—No vacancy on the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission.

(2) QUORUM.—Three members of the Commission shall constitute a quorum for the transaction of business, except that—

(A) if there are only 3 members serving on the Commission because of vacancies on the Commission, 2 members of the Commission shall constitute a quorum for the transaction of business; and

(B) if there are only 2 members serving on the Commission because of vacancies on the Commission, 2 members shall constitute a quorum for the 6-month period (or the 1-year period, if the 2 members are not affiliated with the same political party) beginning on the date of the vacancy which caused the number of Commissioners to decline to 2.

(3) SEAL.—The Commission shall have an official seal, of which judicial notice shall be taken.

(4) VICE CHAIRPERSON.—The Commission shall annually elect a Vice Chairperson to act in the absence or disability of the Chairperson or in case of a vacancy in the office of the Chairperson.

(e) OFFICES.—The Commission shall maintain a principal office and such field offices as it determines necessary, and may meet and exercise any of its powers at any other place.

(f) FUNCTIONS OF CHAIRPERSON; REQUEST FOR APPROPRIATIONS.—

(1) DUTIES.—The Chairperson shall be the principal executive officer of the Commission, and shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to—

(A) the appointment and supervision of personnel employed by the Commission (and the Commission shall fix their compensation at a level comparable to that for employees of the Securities and Exchange Commission);

(B) the distribution of business among personnel appointed and supervised by the Chairperson and among administrative units of the Commission; and

(C) the use and expenditure of funds.

(2) **GOVERNANCE.**—In carrying out any of the functions of the Chairperson under this subsection, the Chairperson shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may, by law, be authorized to make.

(3) **REQUESTS FOR APPROPRIATIONS.**—Requests or estimates for regular, supplemental, or deficiency appropriations on behalf of the Commission may not be submitted by the Chairperson without the prior approval of a majority vote of the Commission.

(g) **AGENDA AND PRIORITIES; ESTABLISHMENT AND COMMENTS.**—Not later than 30 days before the beginning of each fiscal year, the Commission shall establish an agenda for Commission action under its jurisdiction and, to the extent feasible, shall establish priorities for such actions. Before establishing such agenda and priorities, the Commission shall conduct a public hearing on the agenda and priorities, and shall provide reasonable opportunity for the submission of comments.

#### **SEC. 5. OBJECTIVES AND RESPONSIBILITIES.**

(a) **OBJECTIVES.**—The objectives of the Commission are—

(1) to minimize unreasonable consumer risk associated with buying and using consumer financial products;

(2) to prevent and eliminate practices that lead consumers to incur unreasonable, inappropriate, or excessive debt, or make it difficult for consumers to repay existing debt, including practices or product features that are abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise inconsistent with consumer protection;

(3) to promote practices that assist and encourage consumers to use credit and consumer financial products responsibly, avoid excessive debt, and avoid unnecessary or excessive charges derived from or associated with consumer financial products;

(4) to ensure that providers of consumer financial products provide credit based on the ability of the consumer to repay the debt incurred;

(5) to ensure that consumer credit history is maintained, reported, and used fairly and accurately;

(6) to maintain strong privacy protections for consumer transactions, credit history, and other personal information associated with the use of consumer financial products;

(7) to collect, investigate, resolve, and inform the public about consumer complaints regarding consumer financial products;

(8) to ensure a fair resolution of consumer disputes regarding consumer financial products; and

(9) to take such other steps as are reasonable to protect users of consumer financial products.

(b) **RESPONSIBILITIES.**—The Commission shall—

(1) promulgate consumer financial product safety rules that—

(A) ban abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise anticonsumer practices, products, or product features;

(B) place reasonable restrictions on consumer financial products, practices, or product features to reduce the likelihood that

they may be provided in a manner that is inconsistent with the objectives specified in subsection (a); and

(C) establish requirements for such clear and adequate warnings or other information, and the form and manner of delivery of such warnings or other information, as may be appropriate to advance the objectives specified in subsection (a);

(2) establish and maintain a best practices guide for all providers of consumer financial products;

(3) conduct such continuing studies and investigations of consumer financial products industry practices as it determines necessary;

(4) award grants or enter into contracts for the conduct of such studies and investigations with any person (including a governmental entity), as necessary to advance the objectives specified in subsection (a);

(5) following publication of a rule, assist public and private organizations or groups of consumer financial product providers, administratively and technically, in the development of safety standards or guidelines that would assist such providers in complying with such rule;

(6) comment on selected rulemakings of agencies designated in section 6(d) affecting consumer financial products; and

(7) establish and operate a consumer financial product customer hotline which consumers can call to register complaints and receive information on how to combat anticonsumer products or practices.

#### **SEC. 6. COORDINATION OF ENFORCEMENT.**

(a) **IN GENERAL.**—Notwithstanding any concurrent or similar authority of any other agency, the Commission shall enforce the requirements of this Act.

(b) **RULE OF CONSTRUCTION.**—The authority granted to the Commission to make and enforce rules under this Act shall not be construed to impair the authority of any other Federal department or agency to make and enforce rules under any other provision of law, provided that any portion of any rule promulgated by any other such department or agency that conflicts with a rule promulgated by the Commission and that is less protective of consumers than the rule promulgated by the Commission shall be superseded by the rule promulgated by the Commission. Any portion of any rule promulgated by any other such department or agency that is not superseded by a rule promulgated by the Commission shall remain in force without regard to this Act.

(c) **AGENCY AUTHORITY.**—Any department or agency designated in subsection (d) may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any authority conferred on such department or agency by any other Act.

(d) **DESIGNATED DEPARTMENTS AND AGENCIES.**—The departments and agencies designated in this subsection are—

(1) the Board of Governors of the Federal Reserve System;

(2) the Federal Deposit Insurance Corporation;

(3) the Office of the Comptroller of the Currency;

(4) the Office of Thrift Supervision;

(5) the National Credit Union Administration;

(6) the Federal Housing Finance Authority;

(7) the Federal Housing Administration;

(8) the Department of Housing and Urban Development;

(9) the Federal Home Loan Bank Board;

(10) the Federal Trade Commission; and

(11) any successor to the agencies, referred to in paragraphs (1) through (10), as may be constituted.

(e) **COORDINATION OF RULEMAKING.**—Any department or agency designated in subsection (d) that engages in a rulemaking affecting consumer financial products shall consult with the Commission in the promulgation of such rules.

#### **SEC. 7. AUTHORITIES.**

(a) **AUTHORITY TO CONDUCT HEARINGS OR OTHER INQUIRIES.**—

(1) **IN GENERAL.**—The Commission may, by one or more of its members, or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States.

(2) **MEMBER PARTICIPATION.**—A Commissioner who participates in a hearing, or other inquiry described in paragraph (1), shall not be disqualified solely by reason of such participation from subsequently participating in a decision of the Commission in the same matter.

(3) **NOTICE REQUIRED.**—The Commission shall publish notice of any proposed hearing in the Federal Register, and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(b) **COMMISSION POWERS; ORDERS.**—The Commission shall have the power—

(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe to carry out a specific regulatory or enforcement function of the Commission, and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine, and such order shall contain a complete statement of the reasons that the Commission requires the report or answers specified in the order to carry out a specific regulatory or enforcement function of the Commission;

(2) to administer oaths;

(3) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

(5) to pay witnesses the same fees and mileage costs as are paid in like circumstances in the courts of the United States;

(6) to accept voluntary and uncompensated services relevant to the performance of the duties of the Commission, notwithstanding the provisions of section 1342 of title 31, United States Code, and to accept voluntary and uncompensated services (but not gifts) relevant to the performance of the duties of the Commission provided that any such services shall not be from parties that have or are likely to have business before the Commission;

(7) to—

(A) issue an order requiring compliance with applicable legal requirements;

(B) issue a civil penalty order in accordance with section 10(b);

(C) initiate, prosecute, defend, intervene in, or appeal (other than to the Supreme Court of the United States), through its own legal representative and in the name of the Commission, any civil action, if the Commission makes a written request to the Attorney General of the United States for representation in such civil action and the Attorney General does not, within the 45-day period beginning on the date on which such request was made, notify the Commission in

writing that the Attorney General will represent the Commission in such civil action; and

(D) whenever the Commission obtains evidence that any person has engaged in conduct that may constitute a violation of Federal criminal law, including a violation of section 9, transmit such evidence to the Attorney General of the United States; and

(8) to delegate any of its functions or powers, other than the power to issue subpoenas under paragraph (3), to any officer or employee of the Commission.

(c) **NONCOMPLIANCE WITH SUBPOENA OR COMMISSION ORDER.**—If a person refuses to obey a subpoena or order of the Commission issued under subsection (b), the Commission (subject to subsection (b)(7)) or the Attorney General of the United States may bring an action in the United States district court for the district and division in which the inquiry is carried out or any other appropriate United States district court seeking an order requiring compliance with the subpoena or order.

(d) **DISCLOSURE OF INFORMATION.**—No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information to the Commission.

(e) **CUSTOMER AND REVENUE DATA.**—The Commission may, by rule, require any provider of consumer financial products to provide to the Commission such customer and revenue data as may be required to carry out this Act.

(f) **PURCHASE OF CONSUMER FINANCIAL PRODUCTS BY COMMISSION.**—For purposes of carrying out this Act, the Commission may purchase any consumer financial product and it may require any provider of consumer financial products to sell the product to the Commission at cost.

(g) **CONTRACT AUTHORITY.**—The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this Act.

(h) **BUDGET ESTIMATES AND REQUESTS; LEGISLATIVE RECOMMENDATIONS; TESTIMONY; COMMENTS ON LEGISLATION.**—

(1) **BUDGET COPIES TO CONGRESS.**—Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the appropriate committees of Congress.

(2) **LEGISLATIVE RECOMMENDATION.**—Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the appropriate committees of Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the appropriate committees of Congress.

#### **SEC. 8. COLLABORATION WITH FEDERAL AND STATE ENTITIES.**

(a) **PREEMPTION.**—Nothing in this Act or any rule promulgated under this Act may be construed to annul, alter, affect, or exempt any person from complying with the laws of any State, except to the extent that those laws are inconsistent with a consumer financial product safety rule promulgated by the Commission, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this Act or a consumer financial product safety rule, or the purposes of the Act or

rule, if the protection afforded by such State law to any consumer is greater than the protection provided by the consumer financial product safety rule or this Act. Nothing in this Act or any rule promulgated under this Act precludes any remedy under State law to or on behalf of a consumer.

#### **(b) PROGRAMS TO PROMOTE FEDERAL-STATE COOPERATION.**—

(1) **IN GENERAL.**—The Commission shall establish a program to promote cooperation between the Federal Government and State governments for purposes of carrying out this Act.

(2) **AUTHORITIES.**—In implementing the program under paragraph (1), the Commission may—

(A) accept from any State or local authority engaged in activities relating to consumer protection assistance in such functions as data collection, investigation, and educational programs, as well as other assistance in the administration and enforcement of this Act which such States or local governments may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance; and

(B) commission any qualified officer or employee of any State or local government agency as an officer of the Commission for the purpose of conducting investigations.

(c) **COOPERATION OF FEDERAL DEPARTMENTS AND AGENCIES.**—The Commission may obtain from any Federal department or agency such statistics, data, program reports, and other materials as it may determine necessary to carry out its functions under this Act. Each such department or agency shall cooperate with the Commission and, to the extent permitted by law, furnish such materials to the Commission. The Commission and the heads of other departments and agencies engaged in administering programs relating to consumer financial product safety shall, to the maximum extent practicable, cooperate and consult in order to ensure fully coordinated efforts.

#### **SEC. 9. PROHIBITED ACTS.**

It shall be unlawful for any person—

(1) to advertise, offer, or attempt to enforce any agreement, term, change in term, fee, or charge in connection with any consumer financial product, or engage in any practice, that is not in conformity with this Act or an applicable consumer financial product safety rule under this Act; or

(2) to fail or refuse to permit access to or copying of records, or fail or refuse to establish or maintain records, or fail or refuse to make reports or provide information to the Commission, as required under this Act or any rule under this Act.

#### **SEC. 10. ENFORCEMENT.**

(a) **CRIMINAL PENALTIES.**—

(1) **KNOWING AND WILLFUL VIOLATIONS.**—Any person who knowingly and willfully violates section 9 shall be fined not more than \$500,000, imprisoned not more than 1 year, or both for each such violation.

(2) **EXECUTIVES AND AGENTS.**—Any individual director, officer, or agent of a business entity who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of section 9 shall be subject to penalties under this section, without regard to any penalties to which that person may be otherwise subject.

(b) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—Any person who violates section 9 shall be subject to a civil penalty in an amount established under paragraph (2). A violation of section 9 shall constitute a separate civil offense with respect to each consumer financial product transaction involved.

(2) **PUBLICATION OF SCHEDULE OF PENALTIES.**—Not later than December 1, 2009, and December 1 of each fifth year thereafter, the Commission shall prescribe and publish in the Federal Register a schedule of the maximum authorized civil penalty that shall apply for any violation of section 9 that occurs on or after January 1 of the year immediately following the date of such publication.

(3) **RELEVANT FACTORS IN DETERMINING AMOUNT OF PENALTY.**—In determining the amount of any civil penalty in an action for a violation of section 9, the Commission—

(A) shall consider—

(i) the nature of the consumer financial product;

(ii) the severity of the unreasonable risk to the consumer;

(iii) the number of products or services sold or distributed;

(iv) the occurrence or absence of consumer injury; and

(v) the appropriateness of such penalty in relation to the size of the business of the person charged; and

(B) shall ensure that penalties in each case are sufficient to induce compliance by all regulated entities.

(4) **COMPROMISE OF PENALTY; DEDUCTIONS FROM PENALTY.**—

(A) **IN GENERAL.**—Any civil penalty under this section may be compromised by the Commission.

(B) **CONSIDERATIONS.**—In determining the amount of such penalty or whether it should be remitted or mitigated and in what amount, the Commission—

(i) shall consider—

(I) the nature of the consumer financial product;

(II) the severity of the unreasonable risk to the consumer;

(III) the number of offending products or services sold;

(IV) the occurrence or absence of consumer injury; and

(V) the appropriateness of such penalty to the size of the business of the person charged; and

(ii) shall ensure that compromise penalties remain sufficient to induce compliance by all regulated entities.

(C) **AMOUNT.**—The amount of a penalty compromised under this paragraph, when finally determined, or the amount agreed on compromise, may be deducted from any sums owing by the United States to the person charged.

(c) **COLLECTION AND USE OF PENALTIES.**—

(1) **ESTABLISHMENT OF FUND.**—There is established within the Treasury of the United States a fund, into which shall be deposited all criminal and civil penalties collected under this section.

(2) **USE OF FUND.**—The fund established under this subsection shall be used to defray the costs of the operations of the Commission or, where appropriate, provide restitution to harmed consumers.

(d) **PRIVATE ENFORCEMENT.**—

(1) **IN GENERAL.**—A person may bring a civil action for a violation of section 9 for equitable relief and other charges and costs in an amount equal to the sum of—

(A) any actual damages sustained by such person as a result of such violation, if actual damages resulted;

(B) twice the amount of any finance charge in connection with the transaction, except that such liability shall not be less than \$1,000, such minimum to be adjusted on an annual basis by the Commission based upon the consumer price index; and

(C) reasonable attorney fees and costs.

(e) **JURISDICTION.**—

(1) **IN GENERAL.**—Any action under this Act may be brought in any appropriate United

States district court, or in any other court of competent jurisdiction, not later than 2 years after the date of the discovery of the violation.

(2) **RULES OF CONSTRUCTION.**—This section does not bar a person from asserting a violation of this Act in an action to collect a debt, or if foreclosure has been initiated, as a matter of defense by recoupment or set-off. An action under this Act shall not be the basis for removal of an action to a United States district court. Neither this section nor any other section of this Act preempts or otherwise displaces claims and remedies available under State law, except as otherwise specifically provided in this Act.

(f) **STATE ACTIONS FOR VIOLATIONS.**—

(1) **AUTHORITY OF STATES.**—In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating section 9, the State—

(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

(B) may bring an action on behalf of the residents of the State to recover—

(i) damages for which the person is liable to such residents under subsection (d) as a result of the violation; and

(ii) civil penalties, as established under subsection (b); and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees, as determined by the court.

(2) **RIGHTS OF FEDERAL REGULATORS.**—

(A) **NOTICE OF STATE ACTION.**—A State shall serve prior written notice of any action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) **COMMISSION AUTHORIZATION.**—Upon notice of an action under subparagraph (A), the Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein;

(iii) to remove the action to the appropriate United States district court; and

(iv) to file petitions for appeal.

(3) **INVESTIGATORY POWERS.**—For purposes of bringing any action under this subsection, nothing in this subsection or in any other provision of Federal law shall prevent the chief law enforcement officer of a State, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) **LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.**—If the Commission has instituted a civil action or an administrative action for a violation of section 9, a State may not, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 9 that is alleged in that complaint.

## SEC. 11. REPORTS.

(a) **REPORTS TO THE PUBLIC.**—The Commission shall determine what reports should be produced and distributed to the public on a recurring and ad hoc basis, and shall prepare and publish such reports on a website that provides free access to the general public.

(b) **REPORT TO THE PRESIDENT AND CONGRESS.**—

(1) **IN GENERAL.**—The Commission shall prepare and submit to the President and the appropriate committees of Congress, at the beginning of each regular session of Congress, a comprehensive report on the administration of this Act for the preceding fiscal year.

(2) **REPORT CONTENT.**—The reports required by this subsection shall include—

(A) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence and effects of practices associated with the provision of consumer financial products that are inconsistent with the objectives specified in section 5(a), with a breakdown, insofar as practicable, among the various sources of injury, as the Commission finds appropriate;

(B) a list of consumer financial product safety rules prescribed or in effect during such year;

(C) an evaluation of the degree of observance of consumer financial product safety rules, including a list of enforcement actions, court decisions, and compromises of civil penalties, by location and company name;

(D) a summary of outstanding problems confronting the administration of this Act in order of priority;

(E) an analysis and evaluation of public and private consumer financial product safety research activities;

(F) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act;

(G) the extent to which technical information was disseminated to the research and consumer communities and consumer information was made available to the public;

(H) the extent of cooperation between Commission officials, representatives of the consumer financial products industry, and other interested parties in the implementation of this Act, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(I) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission;

(J) such recommendations for additional legislation as the Commission deems necessary to carry out the purposes of this Act; and

(K) the extent of cooperation with, and the joint efforts undertaken by, the Commission in conjunction with other regulators with whom the Commission shares responsibilities for consumer financial product safety.

## SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission for purposes of carrying out this Act such sums as may be necessary.

## 56 DIVERSE NATIONAL, STATE ORGANIZATIONS SUPPORT FINANCIAL PRODUCT SAFETY COMMISSION

Hon. RICHARD J. DURBIN  
Majority Whip, U.S. Senate  
Washington, DC.

Hon. WILLIAM DELAHUNT  
House of Representatives  
Washington, DC.

Hon. CHARLES SCHUMER  
U.S. Senate  
Washington, DC.

Hon. BRAD MILLER  
House of Representatives  
Washington, DC.

DEAR SENATORS DURBIN AND SCHUMER AND REPRESENTATIVES DELAHUNT AND MILLER: The undersigned organizations strongly support your legislation to create a federal Financial Product Safety Commission (FPSC)

that would ensure the fairness, safety and sustainability of credit and payment products. It is now widely accepted that the current international economic crisis was triggered by the failure of federal regulators to stop abusive lending, particularly in the housing sector. By creating a separate agency focused exclusively on credit safety, your legislation will not only better protect consumers, but the entire economy.

Under this legislation, the FPSC would be empowered to ensure that credit and payment products do not have predatory or deceptive features that can harm consumers or lock them into unaffordable loans, such as pre-payment penalties, unjustified fees, or hair-trigger interest rate increases. The agency would also conduct ongoing research and investigation into credit industry products and services. In addition, it would provide consumers with high-quality information about how to avoid abusive lending or credit problems. This approach offers two crucial improvements over the current splintered, ineffectual regulatory system:

A FPSC would put consumer protection first. Federal regulatory agencies have often treated consumer protection as less important than or even in conflict with their mission to ensure the safety and soundness of financial institutions. In addition, the independence of regulators like the Office of the Comptroller of the Currency and Office of Thrift Supervision has been threatened because they are directly and almost entirely funded by the institutions they oversee. As a result, federal agencies dithered for years in implementing regulations to stop unfair and deceptive mortgage and credit card lending practices, finally producing only after the current foreclosure and consumer debt crisis took hold. Regulators have left other types of dangerous products completely untouched, such as high-cost "overdraft" loans that are triggered without consumer permission. The FPSC would be required to make consumer protection its top priority, which will also better ensure the soundness of financial institutions.

A FPSC would stop regulatory agencies from competing among themselves to lower standards. Right now, financial institutions freely switch charters between federal and state regulation, in order to reduce the level of oversight and the costs associated with it. Under a FPSC, regulated institutions could not choose the agency that regulates them. The FPSC would be empowered to establish federal minimum standards for all credit products and the institutions that offer them, so that competition between state and federal regulators would only exist to improve the quality of consumer protection.

Unless the structure of financial services regulation is realigned to change not just the focus of regulation but its underlying philosophy, it is unlikely that consumers will be adequately protected from unfair or dangerous credit products in the future. The ultimate result of this crucial legislation would be an agency designed to protect consumers from the corrosive effects of unsafe credit, which has a regulatory perspective that is truly independent of the institutions it regulates. Just as importantly, this agency would not be under constant pressure to keep protection standards low. You have created a template for regulatory modernization that will protect consumers, financial institutions and the economy for years to come.

We applaud your leadership on this issue and look forward to working with you to enact this proposal.

Sincerely,

Gregory L. Jefferson, Sr., Legislative Representative, American Federation of Labor

and Congress of Industrial Organizations (AFL-CIO).

Jim Campen, Executive Director, Americans for Fairness in Lending.

Linda Sherry, Director, National Priorities, Consumer Action.

Mike Calhoun, President, Center for Responsible Lending.

Travis Plunkett, Legislative Director, Consumer Federation of America.

Rosemary Shahan, President, Consumers for Auto Reliability and Safety.

Pamela Banks, Policy Counsel, Consumers Union.

Tamara Draut, Vice President of Policy & Programs, Demos.

Alan Reuther, Legislative Director, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW).

Wade Henderson, President & CEO, Leadership Conference on Civil Rights.

Hilary O. Shelton, Vice President for Advocacy/Director, NAACP Washington Bureau.

Ricardo C. Byrd, Executive Director, National Association of Neighborhoods.

John Taylor, President and CEO, National Community Reinvestment Coalition.

Lauren Saunders, Managing Attorney, National Consumer Law Center.

Sally Greenberg, Executive Director, National Consumers League.

Janis Bowdler, Associate Director, Wealth-Building Policy Project, National Council of La Raza.

Shanna L. Smith, President and CEO, National Fair Housing Alliance.

David Arkush, Director, Public Citizen's Congress Watch.

Alison Reardon, Director of Legislation, Service Employees International Union.

Ed Mierzewski, Consumer Programs Director, U.S. PIRG.

#### STATE ORGANIZATIONS

Kimble Forrister, Statewide Coordinator, Alabama Arise

Leslie Kyman Cooper, Executive Director, Phyllis Rowe, President Emeritus, Arizona Consumers Council

Diane E. Brown, Executive Director, Arizona PIRG

Albert Sterman, Secretary/Treasurer, Democratic Processes Center, Arizona

H. C. "Hank" Klein, Founder, Arkansans Against Abusive Payday Lending

Alan Fisher, Executive Director, California Reinvestment Coalition

Jim Bliesner, Director, San Diego City/County Reinvestment Task Force, California

Lynn Drysdale, Managing Attorney, Consumer Law Unit, Jacksonville Area Legal Aid, Inc., Florida

Bill Newton, Executive Director, Florida Consumer Action Network

Brad Ashwell, Consumer & Public Health Advocate, Florida Public Interest Research Group

Dan McCurry, Coordinator, Chicago Consumer Coalition, Illinois

Lynda DeLaFargue and William McNary, Co-Executive Directors, Citizen Action/Illinois

Brian C. White, Executive Director, Lake-side Community Development Corporation, Illinois

Rose Mary Meyer, Director, Project IRENE, Illinois

Larry M. McGuire, Field Missionary Coordinator, Community of Christ and Inter-Religious Council of Linn County, Iowa

Jason Selmon, Executive Director, Sunflower Community Action, Kansas

Richard Seckel, Director, Kentucky Equal Justice Center

Charles Shafer, President, Maryland Consumer Rights Coalition

Debra Gardner, Legal Director, Public Justice Center, Maryland

Paul Schlaver, Chair, Massachusetts Consumers' Coalition

Paheadra B. Robinson, Staff Attorney, Mississippi Center for Justice

Mike Cherry, President/CEO, Consumer Credit Counseling of Springfield, Missouri, Inc.

Dan L. Wulz, Deputy Executive Director, Legal Aid Center of Southern Nevada, Inc.

Peter Skillern, Executive Director, Community Reinvestment Association of North Carolina

Al Ripley, Counsel for Consumer and Housing Affairs, NC Justice Center

Jim McCarthy, President/CEO, Miami Valley Fair Housing Center, Inc., Ohio

Sue Berkowitz, Director, South Carolina Applesed Legal Justice Center

Corky Neale, Director of Research, Memphis Responsible Lending Collaborative, Tennessee

Don E. Baylor, Jr., Senior Policy Analyst—Economic Opportunity, Center for Public Policy Priorities, Texas

Alex R. Gulotta, Executive Director, Legal Aid Justice Center, Virginia

Michael H. Lane and Ward R. Scull, Co-Founders, Virginians Against Payday Loans

Irene E. Leech, President, Virginia Citizens Consumer Council

Janice "Jay" Johnson, Chairperson, Virginia Organizing Project

James W. (Jay) Speer, Executive Director, Virginia Poverty Law Center

Bruce D. Neas, Legislative Coordinator, Columbia Legal Services on behalf of clients, Washington

Catherine M. Doyle, Chief Staff Attorney, Legal Aid Society of Milwaukee, Inc., Milwaukee, Wisconsin

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 72—EXPRESSING THE SENSE OF THE SENATE REGARDING DRUG TRAFFICKING IN MEXICO

Mr. MENENDEZ (for himself, Mr. KERRY, Mr. DODD, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 72

Whereas Mexico is 3 times the size of the State of Texas and has a population of approximately 110,000,000 people;

Whereas Mexico has the 12th largest economy in the world, with an annual gross domestic product of just under \$1,000,000,000,000;

Whereas Mexico is the 8th largest exporter of crude oil in the world and provides approximately 1/3 of the oil imported by the United States;

Whereas Mexico is the 2nd largest buyer of exports from the United States;

Whereas Mexico has the largest Spanish-speaking population of any country in the world;

Whereas there is a tragically consistent demand for heroin, marijuana, methamphetamines, and cocaine from drug users in the United States;

Whereas the Government of Mexico is locked in an extremely violent struggle against drug trafficking organizations that produce and transport narcotics;

Whereas the drug trafficking organizations in Mexico are well organized, heavily armed, and wealthy criminal enterprises, with estimated criminal earnings of more than \$25,000,000,000 every year;

Whereas it is estimated that Mexican drug trafficking organizations produce 8 metric

tons of heroin and 10,000 metric tons of marijuana each year;

Whereas, in confrontations with the Government of Mexico and with each other, the drug trafficking organizations have adopted tactics intended to intimidate the public at large, corrupt law enforcement officials, and create a perception of increased violence among the people of Mexico;

Whereas, in 2008, approximately 6,200 people in Mexico died as the result of violence related to drug trafficking, more than twice as many as in 2007;

Whereas drug-related killings continued in Mexico during 2009, and on February 9, 2009, a total of 35 people were killed in drug-related violence in Mexico;

Whereas drug trafficking organizations in Mexico have brazenly targeted and executed many high-ranking public officials in Mexico;

Whereas more than 800 police officers and soldiers in Mexico have been killed in the line of duty since late 2006;

Whereas efforts by the Government of Mexico and the United States Government to combat drug trafficking organizations and power struggles between the drug trafficking organizations themselves have resulted in growing violence along the 2000-mile border between the United States and Mexico;

Whereas drug-related violence affects cities and towns on both sides of the border, as drug trafficking organizations from Mexico form partnerships with criminal organizations based in the United States;

Whereas law enforcement authorities in the United States have reported an increase in the number of killings, kidnappings, and home invasions linked to Mexican drug trafficking organizations in a number of cities in the United States, some of which are thousands of miles from the Mexican border;

Whereas a 2008 report by the Department of Justice indicated that Mexican drug trafficking organizations now operate in 195 cities in the United States;

Whereas the 2008 National Drug Threat Assessment by the Department of Justice identified drug organizations from Mexico as the greatest criminal threat to the United States;

Whereas the Government of Mexico is strengthening the institutions of a democratic state that adheres to the rule of law, supports a free press, and is committed to human rights;

Whereas the inauguration of President Felipe Calderón in December 2006 represented another step forward in the process of strengthening institutions in Mexico;

Whereas President Calderón has made defeating drug trafficking organizations a top priority of his administration, increasing the security budget of Mexico from \$2,000,000,000 in 2006 to \$4,000,000,000 in 2008 and deploying nearly 36,000 federal troops to carry out anti-drug operations;

Whereas the Government of Mexico has undertaken reforms that, together with significant changes to the code of criminal procedure and the penal code, could transform the justice system in Mexico to be more open and transparent, protect human rights, and devote resources to investigating and prosecuting crimes;

Whereas President Calderón has taken significant steps to crack down on corruption within the police forces and other government institutions of Mexico;

Whereas officers of the Government of Mexico have succeeded in seizing record quantities of narcotics from drug trafficking organizations;

Whereas law enforcement officials in Mexico are cooperating with law enforcement agencies in the United States at unprecedented levels, with Mexico extraditing 83

major drug traffickers to stand trial in the United States in 2007, and another 93 major drug traffickers in 2008;

Whereas the police and army units of Mexico are often outgunned by members of the drug trafficking organizations, who employ heavy machine guns, high-powered assault weapons such as the AK-47, 0.50 caliber sniper rifles, military hand grenades, rocket-propelled grenade launchers, and sophisticated technology like night vision goggles and communication interception devices;

Whereas a large majority of the weapons and ammunition used by the drug trafficking organizations come from sources in the United States, particularly gun dealers and gun shows in Texas, Arizona, and California;

Whereas approximately 90 percent of all firearms recovered at crime scenes in Mexico are illicitly trafficked across the border from the United States to Mexico;

Whereas the people of Mexico and the military and civilian officials of the Government of Mexico have demonstrated tremendous courage in confronting the drug trafficking organizations;

Whereas the United States Government, along with law enforcement agencies in the United States and Mexico, has escalated its efforts to disrupt the trafficking of narcotics, money, people, and arms across the border and to combat drug trafficking organizations;

Whereas the United States Government can and should do more to reduce the demand for illegal drugs in the United States and stop the illegal exportation of money and weapons;

Whereas the efforts by the United States Government to combat trafficking are outlined in the National Drug Control Strategy (2008), the Southwest Border Counter-narcotics Strategy (2007), and the U.S. Strategy for Combating Criminal Gangs from Central America and Mexico (2007);

Whereas, on October 22, 2007, the United States Government and the Government of Mexico announced a multiyear security agreement called the "Merida Initiative", which is intended to combat drug trafficking and other criminal activity along the border of the United States and Mexico and in Central America; and

Whereas Congress has appropriated \$465,000,000 for the Merida Initiative, allocating to the Government of Mexico a total of \$400,000,000 in equipment, technical assistance, and training in fiscal year 2008, which is now in the process of being delivered: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Mexico is a key strategic partner of the United States;

(2) a secure, prosperous, and democratic Mexico is indispensable to the goal of the United States to have prosperity and peace throughout the Americas and the world;

(3) the people and the Government of Mexico have launched a sustained attack on drug trafficking organizations based in Mexico;

(4) the increasing violence and criminality of drug trafficking organizations threaten the well-being of the people of the United States and Mexico and pose security challenges to cities and towns in the United States;

(5) drug-related violence is a "cross-border" problem that requires close cooperation between the Government of Mexico and the United States Government;

(6) the United States Government and the Government of Mexico have a shared interest and responsibility in defeating drug trafficking organizations, and a comprehensive strategy, jointly conceived and executed, is required for significant progress to be made;

(7) the Senate applauds and fully supports efforts by President Felipe Calderón, the people of Mexico, and the Government of Mexico to confront the drug trafficking organizations, apprehend their members, and bring them to justice;

(8) the Department of State should—

(A) ensure prompt delivery of the equipment, technical assistance, and training for which Congress appropriated funds in fiscal year 2008 as part of the Merida Initiative;

(B) continue to support the Government of Mexico in its efforts to strengthen institutions and the rule of law, root out corruption, and protect human rights; and

(C) ensure full accountability for all assistance and equipment provided by the United States Government to the Government of Mexico; and

(9) the United States Government should employ its broad diplomatic and law enforcement resources, in partnership with the Government of Mexico and governments throughout the Americas, to defeat drug-related criminal enterprises.

#### SENATE RESOLUTION 73—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2009, THROUGH SEPTEMBER 30, 2009, AND OCTOBER 1, 2009, THROUGH SEPTEMBER 30, 2010, AND OCTOBER 1, 2010, THROUGH FEBRUARY 28, 2011

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 73

*Resolved*,

#### SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2009, through September 30, 2009, in the aggregate of \$69,152,989, for the period October 1, 2009, through September 30, 2010, in the aggregate of \$121,593,254, and for the period October 1, 2010, through February 28, 2011, in the aggregate of \$51,787,223, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2009, through September 30, 2009, for the period October 1, 2009, through September 30, 2010, and for the period October 1, 2010, through February 28, 2011, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

#### SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$2,735,622, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$4,809,496, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,048,172, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,639,258, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).



(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$8,158,696, of which amount—

(1) not to exceed \$80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,475,330, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,204,901, of which amount—

(1) not to exceed \$11,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,393,024, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,148,531, of which amount—

(1) not to exceed \$8,333, may be expended for the procurement of the services of indi-

vidual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 5. COMMITTEE ON THE BUDGET.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,384,507, of which amount—

(1) not to exceed \$35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$70,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,711,049, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$120,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,284,779, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,529,245, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,963,737, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,391,751, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$3,833,400.

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$6,740,569.

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,870,923.

**SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2009, through February 28, 2011, in its discretion—

- (1) to make expenditures from the contingent fund of the Senate;
- (2) to employ personnel; and
- (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$3,529,786, of which amount—

- (1) not to exceed \$4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

- (2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$6,204,665, of which amount—

- (1) not to exceed \$8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

- (2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,641,940, of which amount—

- (1) not to exceed \$3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

- (2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 9. COMMITTEE ON FINANCE.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2009, through February 28, 2011, in its discretion—

- (1) to make expenditures from the contingent fund of the Senate;
- (2) to employ personnel; and
- (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the com-

mittee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$5,210,765, of which amount—

- (1) not to exceed \$17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

- (2) not to exceed \$5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$9,161,539, of which amount—

- (1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

- (2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,901,707, of which amount—

- (1) not to exceed \$12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

- (2) not to exceed \$4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 10. COMMITTEE ON FOREIGN RELATIONS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2009, through February 28, 2011, in its discretion—

- (1) to make expenditures from the contingent fund of the Senate;
- (2) to employ personnel; and

- (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,291,761, of which amount—

- (1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

- (2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,546,310, of which amount—

- (1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legis-

lative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

- (2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,214,017, of which amount—

- (1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

- (2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2009, through February 28, 2011, in its discretion—

- (1) to make expenditures from the contingent fund of the Senate;
- (2) to employ personnel; and

- (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$5,973,747, of which amount—

- (1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

- (2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$10,503,951, of which amount—

- (1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

- (2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$4,473,755, of which amount—

- (1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

- (2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

**SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$6,742,824, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$11,856,527, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$5,049,927, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) **INVESTIGATIONS.**—

(1) **IN GENERAL.**—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or

noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) **EXTENT OF INQUIRIES.**—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) **SPECIAL COMMITTEE AUTHORITY.**—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2009, through February 28, 2011, is authorized, in its, his, hers, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) **AUTHORITY OF OTHER COMMITTEES.**—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) **SUBPOENA AUTHORITY.**—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 89, agreed to March 1, 2007 (110th Congress) are authorized to continue.

**SEC. 13. COMMITTEE ON THE JUDICIARY.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$6,528,294, of which amount—

(1) not to exceed \$116,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$11,667, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$11,481,341, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$4,890,862, of which amount—

(1) not to exceed \$83,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,333, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,797,669, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$3,161,766, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,346,931, of which amount—

(1) not to exceed \$21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,693,240, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,976,370, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,267,330, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such

rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,565,089, of which amount—

(1) not to exceed \$59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,752,088, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,172,184, of which amount—

(1) not to exceed \$42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 17. SPECIAL COMMITTEE ON AGING.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,892,515, of which amount—

(1) not to exceed \$117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$3,327,243, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,416,944, of which amount—

(1) not to exceed \$85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,151,023, of which amount—

(1) not to exceed \$37,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,298,438, of which amount—

(1) not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the

committee under this section shall not exceed \$3,108,302, of which amount—

(1) not to exceed \$27,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,449,343, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,546,445, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,083,838, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account "Expenses of Inquiries and Investigations" appropriated by the legislative branch appropriation Acts for fiscal years 2009, 2010, and 2011, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed \$4,375,000, shall be available for the period March 1, 2009, through September 30, 2009; and

(2) an amount not to exceed \$7,500,000, shall be available for the period October 1, 2009, through September 30, 2010; and

(3) an amount not to exceed \$3,125,000, shall be available for the period October 1, 2010, through February 28, 2011.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

### NOTICES OF HEARINGS

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 18, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on nuclear energy development.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda Kelly at [kelly@energy.senate.gov](mailto:kelly@energy.senate.gov).

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 17, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The Committee will conduct an oversight hearing on energy development on public lands and the outer Continental Shelf.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Gina Weinstock at [Gina.Weinstock@energy.senate.gov](mailto:Gina.Weinstock@energy.senate.gov).

For further information, please contact Patty Beneke at (202) 224-5451 or Gina Weinstock at (202) 224-5684.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 12, 2009 at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to

discuss tribal priorities in the fiscal year 2010 budget.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 10, 2009 at 9:30 a.m.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 10, 2009 at 10:30 a.m. to conduct a hearing entitled "Enhancing Investor Protection and the Regulation of Securities Markets."

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 Tuesday, March 10, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 10, 2009, at 10 a.m., in 215 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, to conduct a hearing entitled "Rebuilding Economic Security: Empowering Workers to Restore the Middle Class" on Tuesday, March 10, 2009. The hearing will commence 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, to conduct a hearing entitled "The Next Generation of National Service" on Tuesday, March 10, 2009. The hearing

will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Patent Reform in the 111th Congress: Legislation and Recent Court Decisions" on Tuesday, March 10, 2009, at 10 a.m., in room SD-226 of the Dirksen 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 Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Executive Nominations" on Tuesday, March 10, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, March 10, 2009 at 9:30 a.m. The Committee will meet in room 418 of the Russell Senate Office Building.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 10, 2009 at 2:30 p.m.

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

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the cloture motion with respect to the nomination of David Ogden be withdrawn, and that on Wednesday, March 11, at 11:30 a.m., the Senate proceed to executive session to consider Calendar No. 21, the nomination of David Ogden; that the time until 4:30 p.m. be equally divided and controlled between the leaders or their designees; that when the Senate resumes consideration of the nomination on Thursday, March 12, there be 2 hours remaining for debate, equally divided and controlled between the leaders or their designees; that upon the use of time on Thursday, the Senate then proceed to vote on confirmation of the nomination; that upon confirmation of the nomination, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume

legislative session; and that any statements relating to the nomination be printed in the RECORD.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 15 and 16; that the nominations be confirmed, en bloc, and the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; that upon confirmation, the President be immediately notified of the Senate's action; that the Senate resume legislative session; and that any statements relating to the nominations be printed in the RECORD; further, that the cloture motions with respect to these nominations be withdrawn, en bloc.

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

The nominations considered and confirmed are as follows:

##### EXECUTIVE OFFICE OF THE PRESIDENT

Austan Dean Goolsbee, of Illinois, to be a Member of the Council of Economic Advisers.

Cecilia Elena Rouse, of California, to be Member of the Council of Economic Advisers.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican Leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senator as a member of the Senate National Security Working Group for the 111th Congress: the Senator from South Carolina, Mr. GRAHAM.

#### ORDERS FOR WEDNESDAY, MARCH 11, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Wednesday, March 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later



in the day, and the Senate proceed to a period of morning business until 11:30 a.m. with Senators permitted to speak for up to 10 minutes each with the time controlled by the Republicans; further, that following morning business the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### PROGRAM

Mr. DURBIN. Mr. President, under the previous order, the Senate will debate the Ogden nomination until 4:30 p.m. tomorrow and vote on confirmation of the nomination on Thursday.

### ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Wednesday, March 11, 2009, at 11 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### DEPARTMENT OF THE TREASURY

DAVID S. COHEN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY, VICE PATRICK M. O'BRIEN, RESIGNED.

#### EXECUTIVE OFFICE OF THE PRESIDENT

SHERBURNE B. ABBOTT, OF TEXAS, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE DUNCAN T. MOORE, RESIGNED.

#### DEPARTMENT OF TRANSPORTATION

DANA G. GRESHAM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE SIMON CHARLES GROS.

#### DEPARTMENT OF THE TREASURY

ALAN B. KRUEGER, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE PHILLIP L. SWAGEL, RESIGNED.

#### DEPARTMENT OF HOMELAND SECURITY

JOHN MORTON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE JULIE L. MYERS, RESIGNED.

#### DEPARTMENT OF DEFENSE

JAMES N. MILLER, JR., OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE CHRISTOPHER RYAN HENRY.

#### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

#### *To be lieutenant colonel*

GEORGE B. GOSTING

#### *To be major*

JOSEPH S. PARK

#### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO

THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be colonel*

THOMAS M. CARDEN, JR.  
TIMOTHY J. CLAYS  
RODERICK R. LEONGUERRERO  
ERIC W. OLSEN  
CURTIS J. ROYER  
WILLIAM H. STEVENSON  
ANTHONY WOODS

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

MICHAEL F. ADAMES  
DEAN B. BORSOS  
JAMES R. CLAPSADDLE  
ROBERT H. COTHRO III  
PATRICK L. DAWSON  
DONALD L. FAUST  
EDWIN A. HURSTON  
PHILIP E. JONES  
BRIAN E. KING  
DARRELL W. LANDREAU  
REX A. LANGSTON  
STEVEN B. REESE  
REBECCA C. SEESE  
PAUL M. SKALA  
THOMAS A. STEINBRUNNER  
TRACY A. TENNEY  
WILLIAM R. TYRA  
KATHRYN D. VANDERLINDEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

RICHARD D. BAKER  
CATHERINE S. BARD  
RICHARD J. BEAN  
JAMES E. BOYD  
MARKHAM J. BROWN  
LESLIE R. BRYANT III  
LOUISE M. BRYCE  
JEFFREY S. CALDER  
CHERYL L. CARTER  
GEORGE W. CHRISTOPHER  
THOMAS F. CLARKE  
DAVID D. COPP  
MARCEL V. DIONNE  
ROLAND E. ENGEL  
MICHAEL J. EPPINGER  
EDWARD L. FIEG  
JOHN M. GOOCH  
PATRICIA L. GOODMOTE  
LEE H. HARVIS  
CLAUDE A. HAWKINS  
ANN L. HOYNIACKBECKER  
TIMOTHY W. HUISKEN  
MYLENE T. HUYNH  
JEFFERY L. JOHNSON  
JAMES G. KAHRIS  
PETER B. KOVATS  
MARK KRAUTHEIM  
ERIC A. NELSON  
ERIK J. NELSON  
MICHAEL J. PASTON  
JOSEPH P. PELLETIER  
THOMAS R. PIAZZA  
HEATHER R. PICKETT  
TRACY L. POPEY  
JERRY W. PRATT  
ANTHONY M. PROPST  
JAMES R. RICK  
STEPHEN P. ROBERTS  
CHRISTOPHER G. SCHAREN BROCK  
JANET C. SHAW  
SARADY TAN  
DONALD E. TRUMMEL  
SHAWN M. VARNEY  
DALE A. VOLQUARTSEN  
APRIL C. WALTON  
DANIEL C. WEAVER  
JAMES W. WHELAN  
DANA J. WINDHORST  
MICHAEL S. XYDAKIS  
EVELINE F. YAO  
GREGORY B. YORK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

JEFFREY L. ANDRUS  
KENNETH J. BOONE  
DAVID J. BOWERS  
GARY J. GERACCI

THOMAS F. KELLY  
LARA I. LARSON  
STEVEN C. MALLER  
ROY C. MARLOW  
MARK T. MEANS  
COLIN A. MIHALIK  
ENDER S. OZGUL  
MARIA SANTOS  
JESUS L. SOJO  
LUKE UNDERHILL  
ROSE M. WOJCIK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant colonel*

FEDERICO C. AQUINO, JR.  
KEITH L. CLARK  
THOMAS P. EDMONSON  
AMAR KOSARAJU  
WILLIAM K. LIN  
DOUGLAS M. LITTLEFIELD  
PAUL A. LONGO  
VICTOR B. MAGGIO  
FERNANDO A. MARAVI  
ALAN J. NAPOLES  
DARON C. PRAETZEL  
ENRIQUE E. ROSADO  
JENNIE L. STODDART  
STEPHANIE A. STODDER  
KIM L. WILKINSON  
JUNKO YAMAMOTO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant colonel*

JOSELITA M. ABELEDA  
DEMETRIO J. AGUILA III  
TODD J. ALAN  
TALIB Y. ALI  
PATRICK F. ALLAN  
JAY R. ALLEN  
MICHAEL D. ALMALEH  
KURT W. ANDREASON  
JASON G. ARNOLD  
MATTHEW J. AUNGST  
KERI A. BAACKE  
JOSE E. BARRERA  
STEVEN M. BAUGHMAN  
VIKHYAT S. BEBARTA  
JOHN A. BENSON  
JAMES E. BERMUDEZ  
JOHN N. BERRY  
ANTHONY I. BEUTLER  
CHRISTOPHER T. BIRD  
JUSTIN B. BOGE  
KEVIN J. BOHNSACK  
MICHAEL I. BOND  
ERIC C. BURDGE  
JEREMY W. CANNON  
KYLE L. CARTER  
MICHAEL T. CHARLTON  
STEPHEN R. CHEN  
JERRY M. CLINE  
SAMUEL G. CLOUD  
JAMES C. CONNAUGHTON  
ROBERT W. CRAIGGRAY  
MIKI M. CRANE  
PAUL F. CRAWFORD, JR.  
PETER G. CRAWLEY  
ERIC P. CRITCHLEY  
SCOTT M. CUMMIS  
JEAN F. CYRIAQUE  
MICHAEL R. DAVIS  
ANTONIO J. DELGADO  
BRIAN L. DELMONACO  
ALAN J. DELOSSANTOS  
JAMES A. DOMBROWSKI  
KELLY L. DORENKOTT  
CHRISTOPHER M. DRESS  
MATTHEW D. DUNCAN  
RORY C. DUNHAM  
KENNETH S. EGERSTROM  
MATTHEW D. FAUBION  
DOUGLAS J. FEELEY  
BRADLEY J. GOEKE  
ROBERT GONZALEZ  
JAMES A. GRAHAM  
CHRISTOPHER M. GRUSSENDORF  
ROBERT S. GUERZON  
CHAD A. HAMILTON  
CHRISTIAN T. HANLEY, JR.  
RICHARD R. HARVEY  
JASON T. HAYES  
CHRYSTAL D. HENDERSON  
BRUCE W. HESS  
RACHEL A. HIGHT  
ERIKA K. HILL  
CHAD M. HIVNOR

MICHAEL G. HODGES  
ERIC F. HOLT  
BRANDON R. HORNE  
DELLA L. HOWELL  
CHRISTOPHER M. HUDSON  
SEAN L. JERSEY  
ROBERT A. JESINGER  
KIMBERLY S. JOHNSON  
KEVIN J. KAPS  
TONY S. KIM  
JEFFREY D. KUETER  
MARK S. LASHELL  
PAULETTE D. LASSITER  
CHARLES A. LEATH III  
MAXIMILIAN S. LEE  
WILLIAM C. LEWIS  
TREVOR D. LIM  
JOHN C. LIN  
JONATHAN D. LOPEZ  
MANUEL A. LOPEZ  
MICHAEL A. MADRID  
DAVID S. MALLETT  
MELVIN J. MARQUE III  
ROBERT A. MAXEY  
DEAN L. MAYNARD  
ROBERT C. MCDONOUGH III  
STEPHEN E. MESSIER  
KYLE J. MICHAELIS  
ANTHONY L. MITCHELL  
KRISTINA D. MONEY  
JOHN V. MONTORIELLO  
THOMAS O. MOORE  
REINALDO MORALES, JR.  
MICHAEL S. MORRIS  
ANGELA J. MORTLAND  
EVAN B. MOSER  
TERESA D. NESSELROAD  
BRENDAN M. NOONE  
SAMIA A. OCHIA  
ADEDAYO ODUNSI  
SAMUEL T. OLATUNBOSUN  
SYLVIA L. PARRA  
MICHAEL A. PECK  
CLIFFORD M. PEREZ  
MICHAEL C. PETRO  
THEODORE W. POPE  
JENNIFER L. RAVENSCROFT  
STEPHEN S. REICH  
JOSEPH R. RICHARDS  
TIMOTHY A. RICHTER  
GREGORY A. RIDDLE  
MATTHEW K. RIEDESEL  
KISMET T. ROBERTS  
JAMES B. SAMPSON  
ANDRE G. SARMIENTO  
CECELIA E. SCHMALBACH  
GREGORY A. SCHNERINGER  
NEIL L. SCHWIMLEY  
ZAIGA K. SEARS  
ROBERT M. SHIDELER  
RICHARD A. SORENSEN  
RENEE V. SPITZER  
DAVID L. STEINHISER II  
MATTHEW R. TALARCZYK  
PERLITA K. TAM  
LINDA P. THOMAS  
JEFFERSON R. THURLBY  
THOMAS J. TOFFOLI  
RAJESH TULI  
GALE T. TUPER, JR.  
KREANGKAI TYREE  
MELISSA M. TYREE  
CEASAR A. VALLE  
CHRISTOPHER S. WALKER  
GRAHAM W. WALLACE  
STEVEN R. WARD  
JOHN C. WESKE  
MARIE J. WESTPHAL  
STEVEN E. WHITMARSH  
JAMES F. WIEDENHOEFER  
CAROLYN A. WILD  
JON P. WINKLER  
JOHN R. WITHEROW  
RAMON YAMBOARIAS  
GABRIEL ZIMMERER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES AIR  
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

THOMAS J. BAUER  
GREGORY BELL  
RHETT B. CASPER  
JAMES K. CULLEN  
JULIE C. DAMBLY  
MICHAEL W. DUERS  
RORY B. FREDERICK  
SCOTT F. GRUWELL  
MICHAEL L. HETSCKO  
PAULA K. HOANG  
MATTHEW M. HUFFAKER  
BETH L. JABLONOWSKI  
THEODORE M. JACKSON  
JOANNA B. JAMINSKA  
NEAL B. JONES  
JINYOUNG KIM  
MISUKE KIM  
MARCUS F. KROPF  
BRENDAN M. LANE  
WENDY D. LOBRE  
AMBER M. MACIAS  
BLAKE E. MOORE  
VARUN K. NARULA  
ALAN K. NEAL  
PATRICK B. PARSONS  
JAMES M. PIPER II

CHRISTOPHER L. PODLIN  
ALLEN M. PRATT  
THASANAI ROONGRUANGPHOL  
STEVEN J. SCHMOLDT  
ERIN M. SPEIER  
BRADSHAW M. STOUT  
MARK A. VANZANT  
BRENT J. WALDMAN  
STERLING J. WHIPPLE  
AARON J. WHITE  
ANDREW P. WIGHTMAN  
JAESUK YOO  
JAMES M. YOUNG  
STACEY E. ZAIKOSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES AIR  
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

AMANDA J. ADAMS  
JOSE C. AGUIRRE  
ANGELA M. ALBRECHT  
ERIC M. ALCARAZ  
DOUGLAS R. ALFAR  
JENNIFER A. ALFAR  
JACOB A. ALLGOOD  
DARIN K. ALLRED  
WILLIAM T. ALLRED  
JOSHUA P. ALPERS  
BRENDAN C. ANZALONE  
DAVID A. APPEL  
KAREN L. ARNOLD  
BLAINE T. BAFUS  
BRUCE R. BALL  
ADAM G. BALLS  
HEATHER M. BARBIER  
AMY A. BARNES  
BRENT D. BARNSTUBLE  
TRAVIS C. BATTIS  
SARA J. BECKER  
RHODORA J. BECKINGER  
SHELLY F. BEHLEN  
CLAYNE BENSON  
ALEXANDER L. BINGCANG  
SCOTT L. BLEAZARD  
CHRISTA B. BLECHER  
JEFFERY J. BLONSKY  
KORY R. BODILY  
MATTHEW R. BORGMEYER  
HIMABINDU BORRA  
RICHARD K. BOWES  
JASON D. BOYD  
TRACY K. BOZUNG  
RUTH BRENNER  
CASSANDRA M. BRESNAHAN  
TIMOTHY M. BRESNAHAN  
HEATHER M. BRIGHTHOFFMEYER  
AARON S. BROCKBANK  
TYSON C. BROWN  
WILLIAM E. BROWN  
CHRISTOPHER W. BUNT  
JEFFREY S. BURBRIDGE  
STEVEN K. BURKHEAD  
NEAL C. BUSK  
LORI A. CALOIA  
CHAD C. CARTER  
DANIELLE J. CERMAK  
ANDREW C. CHA  
JONATHAN C. CHANG  
WENDY CHAO  
SPENCER C. CHECKETTS  
MARCELLA L. CHERRY  
JENNY CHOU  
DONALD S. CHRISTMAN  
JARED G. CLAY  
GREGORY C. CLIMACO  
BRIAN T. COCKE  
CHARLES B. COFFMAN  
JASON M. COGILL  
ADAM J. COLE  
ANGELIQUE N. COLLAMER  
MARIA A. CONLEY  
CHAD E. CONNOR  
WENDY I. CONWAY  
CHANANT COUSINEAUKRIEGER  
CARLTON J. COVEY  
CRISTALLE A. COX  
KEVIN M. CRAWFORD  
TERESA A. CRUTCHLEY  
JULIA CUERVO  
EDITH M. CULLEN  
JOHN R. CUNNINGHAM  
BRANDON J. CUTLER  
DERRICK R. DARNSTEADT  
BETHANY J. DERHODES  
JOSEPHINE DEUZMAN  
DILLARD L. DEHART III  
CHRISTIAN A. DEVAUX  
STEFANI L. DIEDRICH  
DOUGLAS M. DOWNEY  
JAMES T. DUNLAP  
JENNIFER E. DUNLAVY  
MEGAN E. DURHAM  
ANDREW E. EBERT  
LANCE D. EDMONDS  
BRIAN C. EPPRIGHT  
MATTHEW R. ESKRIDGE  
NATHAN R. EVANS  
KRISTIN E. EVERITT  
SARAH A. FACKLER  
ELEANOR C. FAHERTY  
ROBERT J. FELIX  
BRIAN M. FITZGERALD  
JASON A. FOLTZ  
JONATHAN R. FUNK  
BRUCE J. GARDNER II

TOBY J. GENRICH  
CHRISTOPHER B. GERLACH  
GEORGE R. GIBSON III  
KELLY GIDUSKO  
THOMAS O. GIFFORD  
SEAN C. GLASGOW  
KRISTEN R. GLASS  
BRIAN B. GLOTT  
CRAIG A. GOOLSBY  
DANIEL W. GOWDER  
IAN D. GREGORY  
JOHN T. HARDY  
BRANDE M. HARRIS  
JAMES C. HARTLEY  
JOSHUA A. HARTMAN  
MATTHEW S. HAYES  
BRIAN B. HEARN  
KERMIT G. HELO III  
SARAH J. HENNEMANN  
ANTONIO J. HERNANDEZ  
BERNARD A. HILDEBRAND, JR.  
JESSICA D. HILDEBRAND  
RYAN C. HILL  
KIRK S. HINKLEY IV  
MATTHEW C. HOLLANDER  
ROBIN A. HOLZER  
GREGORY H. HOUGH  
BORISLAV HRISTOV  
MARK W. HUBBELL  
DAVID J. HUME  
JOSEPH A. HUSEMAN II  
STEVEN M. INDRA  
BRENT IZU  
MATTHEW A. JANIGA  
BRADLEY W. JOHNSON  
SCOTT R. JOHNSON  
JOSHUA R. JOHNSTON  
CHRISTOPHER E. JONAS  
CATHIE T. JONES  
EVAN M. JONES  
GREGORY P. JONES  
JOY K. JONES  
NEIL D. JONES  
KEVIN P. JUOZAPAVICIUS  
PAUL D. KARTCHNER  
MARTIN P. KASZUBOWSKI  
KATHLEEN M. KATARIYA  
CHRISTOPHER KEIRNS  
PATRICK L. KELLER  
BERNARD J. KELLEY  
JASON A. KELLY  
KARIN E. KEMP  
STACEE M. KESSINGER  
SAMUEL J. KJOME  
ADAM C. KOERTNER  
CHRISTOPHER M. KOLLY  
JASON A. KOSKINEN  
MICHAEL J. KRIER  
KRAIG A. KRISTOF  
KIMBERLYANN M. KROSS  
JUAN C. LACAYO  
MARY K. LAFFERTY  
CHRISTOPHER K. LAWLER  
EDGAR L. LECLAIRE  
CHRISTOPHER J. LINBERG  
BRETT E. LINCK  
CHRISTOPHER J. LINCOSKI  
NATHAN J. LINSTROM  
JASON K. LOWRY  
BRENDAN P. LUCEY  
LURIE L. MARRAS  
MICHELLE MARINO  
DOUGLAS M. MARTIN  
SEAN P. MARTIN  
LESLIE D. MATESICK  
DEREK M. MATHESON  
TARA C. MAURO  
JOHN J. MAXEY  
TIMOTHY J. MCDONALD  
BRADLEY A. MCGREGOR  
RYAN C. MCHUGH  
NECIA M. MCREE  
SAMUEL M. MEDARIS  
JOHN N. MELANDER  
DAVID C. MILLER  
CHRISTINE A. MIRABAL  
JAMES D. MITCHELL  
OKENY D. MODI  
BENJAMIN MONSON  
KEITH A. MONTGOMERY  
GLENVILLE G. MORTON  
ANDREW E. MUCK  
LEIGH A. MUELLER  
MICHAEL W. MUNAGIAN  
RANDY M. NAIDOO  
STEFANIE M. NANCE  
KELLY E. NATION  
MOLLY J. NELSEN  
SUZIE C. NELSON  
CRAIG C. NERBY  
ADAKU N. NJOKU  
CATHERINE E. NOBLE  
CADE M. NYLUND  
DANIEL T. O'CONNOR  
DAVID M. OLDFAM  
MICHELLE M. OLDS  
DARON E. OLMSTED  
MICHAEL P. ORTEJUDOS  
LEE P. OZAETA  
CASEY L. PARINI  
STEPHEN M. PAULSON  
EMILY N. PAVLIK  
HEATHER R. PECK  
PETER P. PELLEGRINO  
JASON M. PFLUKE  
REBECCA A. PIOTROWSKI  
MARK I. POGEMILLER

March 10, 2009

CONGRESSIONAL RECORD — SENATE

S2989

BHARATH POLA  
DAMIEN C. POWELL  
JOHN W. POWELL  
VIDHYA PRAKASH  
KELLY A. PRICE  
SHAY L. PRICE  
CHAD A. PRIOR  
FRANCISCO J. RAMIREZ  
BENJAMIN L. RAWSON  
JOEL A. REYES  
ELIZABETH M. REYNOSO  
ERIK J. RICHARDSON  
MICHAEL J. RIGGALL  
RICHARD J. ROBINS  
DAVID M. ROSS II  
VANCE M. ROTHMEYER  
NAPOLEON P. ROUX III  
AARON M. RUBIN  
MICHAEL A. SACCOCCI  
BRIAN S. SAKAMOTO  
MEREDITH A. SARDA  
MICHAEL R. SAVONA  
MATTHEW R. SCHMITZ  
FAYE B. SERKIN  
JENNIFER A. SEXTON  
RYAN C. SHEFFIELD  
JEREMY M. SIKORA  
KAREN SKY  
CHRISTINE A. SMETANA  
JESSICA K. SMYTH  
DUSTIN M. SNELLING  
CHARLES J. SNOW  
MARCUS S. SNYDER  
MALCOLM J. SOLLEY

ELIZABETH L. SOMSEL  
SAMUEL A. SPEAR  
JAMES T. STEEN  
DANIEL A. STEIGELMAN  
ALLEN I. STERING  
GREGORY M. STROUP  
TERESA L. STUMP  
BRYAN D. SZALWINSKI  
KENJI L. TAKANO  
TRAVIS C. TAYLOR  
SHANNA C. TENCLAY  
KAROLYN M. TEUFEL  
WILLIAM TOTH  
DONALD J. TRAVER  
PHUONG C. TRUONG  
VIRGINIA A. UNDERWOOD  
JENNIFER S. VANNESS  
KENNETH W. VAWTER  
MARK VISHNEPOLSKY  
TIM N. VU  
ALICIA T. WAITS  
BRIAN M. WATERS  
JASON M. WEBB  
LISA M. WEEKS  
JACOB M. WESSLER  
ROBB J. WIEGAND  
SAMANTHA L. WIEGAND  
NED L. WILLIAMS  
PETER M. WILLIAMS  
SCOTT A. WILTZ  
VANESSA W. WONG  
CURTIS J. WOZNIAK  
STEPHANIE M. WRIGHT  
FI A. YI

SANDY K. YIP  
ALBERT S. YU  
PHILIP Y. ZHUO  
DON L. ZUST, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
IN THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 5589:

*To be lieutenant commander*

GREGORY G. GALYO  
OLIVER C. MINIMO

CONFIRMATIONS

Executive nominations confirmed by  
the Senate, Tuesday, March 10, 2009:

EXECUTIVE OFFICE OF THE PRESIDENT

AUSTAN DEAN GOOLSBEE, OF ILLINOIS, TO BE A MEM-  
BER OF THE COUNCIL OF ECONOMIC ADVISERS.  
CECILIA ELENA ROUSE, OF CALIFORNIA, TO BE MEM-  
BER OF THE COUNCIL OF ECONOMIC ADVISERS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT  
TO THE NOMINEES' COMMITMENT TO RESPOND TO RE-  
QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY  
CONSTITUTED COMMITTEE OF THE SENATE.