



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, MONDAY, JUNE 22, 2009

No. 94

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 23, 2009, at 10.30 a.m.

Senate

MONDAY, JUNE 22, 2009

The Senate met at 2:01 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Eternal God, we come to You today because we need You. We can't work well without Your help and blessings. Guide our lawmakers, give them the wisdom to listen to Your voice and follow Your leading. Lord, remind them that no one knows what a day might bring, so they must not put things off until a tomorrow that may never come. Help them to use their lives wisely and not foolishly, generously and not selfishly. As they labor, may they remember that one day they shall give an account of their work to You. To that end, empower them to live for Your honor.

We pray in Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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, June 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each during that period of time. Following morning business, the Senate will resume consideration of S. 1023, the Travel Promotion Act. The time from 4:30 until 5:30 will be equally divided and controlled between the two leaders or their designees. At 5:30, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the Dorgan amendment. The filing deadline for first-degree amendments is today at 3:30 p.m.

TRADE PROMOTION ACT

Mr. REID. Mr. President, later today Democrats will move forward on a bill sponsored by Democrats and Republicans—lots of Republicans—a bill that creates jobs at a time when we need them the most. I encourage the Republicans to join with those of us who want to move forward on this piece of legislation. Democrats will do our jobs—using this great legislative body to legislate—and make life better for struggling Americans. I encourage my Republican colleagues to do the same.

The travel promotion bill is critical for our economy. Tourism and travel generate \$1 trillion in economic activity every year—\$1 trillion. In its first year, this bill will create 40,000 new jobs.

There isn't a State in the Union that doesn't depend on tourism. I can remember the first time I went to a place where we had a Democratic retreat in Virginia. I walked out of my room and I saw this huge body of water and I thought: Gee, I didn't know we were on the ocean. It was just a huge—must have been a mile at least to the other side of that body of water. It was the James River. It was a river.

The reason I mention that is I have had the good fortune of traveling around Virginia. It is a wonderful place to visit. There are all kinds of tourist attractions in Virginia. But every State is about the same. Every State has its unique possibilities and places to go. I have been to virtually every State in the Union. There are so many wonderful places. I know Virginia better because for quite a long time my non-Nevada home was in Virginia and

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



Printed on recycled paper.

S6861

three of my five children graduated from schools in Virginia. It is a wonderful place, and tourism is very important to Virginia. This bill is important to Virginia.

Again, travel and tourism generate \$1 trillion in economic activity around the country every year, and in its first year, this bill will create more than 40,000 jobs. The bill will cut our deficit. We are not asking for money from the public trough to take care of this. This bill will cut our deficit by \$425 million over the next decade. We save money by doing this. We make money by doing this. We will be taking the strategies that have made Las Vegas such a success and bringing them to our entire Nation's tourism industry. It is one of the many ways we are working to create jobs and help our economy recover.

So far, the minority has shown no interest in either creating jobs or in helping our economy recover. I hope that, in this case, past is not prologue.

One of my floor staff here said they saw a Republican staffer just a short time ago and the Republican staffer said: Why won't you let us offer amendments?

That is some kind of game being played. I have had conversations with the Republican leader and with other Republican Senators on this bill, and I have said: Let's move on with this legislation. Under the rules, the amendments ultimately have to be germane, but I have said: I don't care if they are germane or not. If you want to offer amendments, that is what we have done all year and we will do it here.

They wanted to offer four amendments on TARP, and I said: Well, that has nothing to do with tourism, but if you want to do that, go ahead and do it.

In response, Senator SANDERS, from Vermont, told me that he had an amendment he wanted to offer. I said: Listen, BERNIE, if you want to offer a nongermane amendment, you can do it. If they want to offer a nongermane amendment, they can; otherwise, we are not going to do that.

So we have all these nongermane amendments they want to offer, and he has one he wants to offer. His amendment simply restates the law and makes it a little stronger, and in effect what it does is takes a look at the oil companies to see if they are manipulating prices. So the Republicans said: No, we are not going to agree to that; we want you to take all of our amendments, we will vote on them, and none for you. Well, that is not fair, it is not reasonable, and it is only an excuse for Republicans to again stymie legislation.

So let's get the facts straight. At the start of the debate, we offered Republicans nongermane amendments. They could have more amendments than we could have. We agreed to do that. Not a single one of the Republican amendments was related to this bill, and some of the amendments were even du-

plicates. But I said: Let's go ahead and do it anyway. Of course, the Republicans said no. They refuse to let us move forward, once again wasting the American people's time and money. They refuse to let us move forward—I repeat—once again wasting the American people's time and money.

It is difficult to watch what is going on here and come away with a sense that the Republicans have even the slightest interest in legislating or that they have the slightest understanding of what families are facing across the country. Just last week, in the Roll Call publication, a Republican Senator said—and it is on the front page—"Senate GOP Still Saying No." A Republican Senator said this last week in one of the newspapers that cover Capitol Hill, Roll Call:

Democrats need to know when they bring [bills] up, we're going to extend debate as long as we can—even if we can't win it.

So I say to this Republican Senator and all Republican Senators: This isn't a game. I say to those watching and listening today: The next time Republicans trot out their stale standard talking points about congressional approval ratings or the inefficiency of government, pay attention to see whether they also quote their fellow Republican Senator who admits they are not here to work. These partisan tactics have consequences. These consequences will be evident on every kitchen table, every family budget, and every American's peace of mind.

I encourage Republicans to finish this legislation. I have said that if there are nongermane amendments they want to file, even though we have no obligation to do that, we will have those amendments during the 30-hour postcloture time and dispose of them. I don't understand what the deal is here. This is the 18th time we have had to file cloture this year—the 18th time. In spite of that, we have been able to get a lot of work done. But I do encourage Republicans to join with us in moving this legislation forward. It is important.

I look around the floor, and I see Virginia, Nevada, and Arizona Senators here. Tourism is very important. It will create jobs. It will cut our deficit. It is not a bad combination. So I would encourage Republicans to join in this important travel promotion bill and to openly pass it so we can bring jobs home, helping our country prosper once again. We know if we can get past this procedural hurdle where we need 60 votes, all Democrats will vote to move forward. That is the right thing to do. Shouldn't we get even the sponsors of the bill to join in?

We haven't stopped the amendment process. They are going to have to come up with a different reason for voting against it than that because everyone has had an opportunity.

So I hope we can move forward. It was a bill that was originally going to be managed by Senators DORGAN and ENSIGN. Senator MARTINEZ has been

heavily involved. I thought we had things all worked out with him and Senator DORGAN on Thursday, but it all fell apart because of the inability to have Senator SANDERS have his amendment.

I simply don't understand what excuse they have for not moving forward with this legislation.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from Arizona.

IRAN

Mr. MCCAIN. Mr. President, there is a news report from the Associated Press entitled "Iranian Police Use Force To Break Up Protest." The article reads as follows:

Tehran, Iran—Riot police attacked hundreds of demonstrators with tear gas and fired live bullets in the air to disperse a rally in central Tehran Monday, carrying out a threat by the country's most powerful security force to crush any further opposition protests over the disputed presidential election. Witnesses said helicopters hovered overhead as about 200 protesters gathered at Haft-e-Tir Square. But hundreds of anti-riot police quickly put an end to the demonstration and prevented any gathering, even small groups, at the scene. Iran says at least 17 protesters have been killed in a week of unrest so far after the electoral council declared hard-line President Mahmoud Ahmadinejad winner of the June 12 election.

Severe restrictions on reporters have made it almost impossible to independently verify any reports on demonstrations, clashes, and casualties. Iran has ordered reporters for foreign news agencies to stay in their offices, barring them from any reporting on the streets.

The story goes on. Demonstrations followed by repression, followed by murder in the streets. As these things seem to evolve, an event took place yesterday which may be the defining moment in the struggle of the Iranian people to be able to peacefully disagree with their government, in this case, because of a corrupt and fraudulent election, without being killed in the streets and beaten and imprisoned.

It has to do with a woman named Neda. I quote from an ABC news story dated June 22, 2009.

She sinks to the ground—and a few minutes later she is dead. A video that has been repeatedly posted on the Internet purports to show the last moments of Neda, a young Iranian woman shot in the heart by government sharpshooters. Overnight she has become a symbol of the opposition. [Her] shaky

blurred images: A young woman collapses onto the pavement, a dark pool of blood spreads beneath her body. Two men kneel next to the woman and press on her chest, screaming. The camera phone which is filming her zooms in on her face. Her pupils roll to the side. Blood streams out of her nose and mouth.

"Neda, don't be afraid! Neda, stay with me. Neda, stay with me!" [cries one man.]

Another man beseeches someone to take her in a car. Then the footage stops.

The video footage appeared on the social networking sites Facebook and Twitter on Saturday evening. It immediately became a viral sensation, being forwarded repeatedly. User groups were determined to get around YouTube's attempts to block the immensely graphic film. They posted the clip so often it became impossible for YouTube to remove it.

So we have seen, as we have in cases of other brutal repressions throughout history, a living example or the dying example of martyrdom. By Sunday morning, Neda became the fifth most common topic on Twitter. She had already become a kind of Joan of Arc.

"It took only one bullet to kill Neda, it will take only one Neda to stop Iranian tyranny" was one posting from Tehran on Twitter.

Neda died with open eyes. Shame on us who live with closed eyes.

"They killed Neda, but not her voice" was another.

During the day, thousands of people replaced their profile pictures with tributes to the young woman such as "I am Neda," or "Neda forever." Others posted images of a broken heart in green, the color of the opposition movement.

So a debate has been going on as to how much the United States of America, its President, the Congress, and the American people should speak out in favor and in support of these brave Iranians—the average age in Tehran is 33 years of age—and their quests for the fundamentals of freedom and democracy that we have enjoyed for more than a couple of centuries.

Today, I and all America, pay tribute to a brave young woman who was trying to exercise her fundamental human rights and was killed in the streets of Tehran. All Americans are with her, our thoughts and our prayers for her, her family, and her countrymen.

I ask unanimous consent to have two news articles that I quoted printed in the RECORD.

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

[From abcnews.go.com June 22, 2009]

NEDA, IS SHE IRAN'S JOAN OF ARC?

NEDA HAS BECOME A SYMBOL AND MARTYR FOR THE IRANIAN OPPOSITION

(By Ulrike Putz)

BEIRUT.—She sinks to the ground—and a few minutes later she is dead. A video that has been repeatedly posted on the Internet

purports to show the last moments of Neda, a young Iranian woman shot in the heart by government sharpshooters. Overnight she has become a symbol of the opposition. They are shaky, blurred images: A young woman collapses onto the pavement, a dark pool of blood spreads beneath her body. Two men kneel next to the woman and press on her chest, screaming. The camera phone which is filming her zooms in on her face. Her pupils roll to the side, blood streams out of her nose and mouth. "Neda, don't be afraid! Neda, stay with me. Neda, stay with me!" cries one man. Another man beseeches someone to take her in a car. Then the footage stops.

It cannot be confirmed if the 40-second film, which was posted on the Internet on Saturday, really shows the death of a young Iranian demonstrator. Like almost all the video and photo material coming out of Iran these days, it is impossible to verify its authenticity. However, even if it may never be certain if these images really show the death of a young woman named Neda, she has still become an icon, a martyr for the opposition in Iran. Neda has given the regime's brutality a bloody face and a name. Overnight "I am Neda," has become the slogan of the protest movement.

The video footage appeared on the social networking sites Facebook and Twitter on Saturday evening. It immediately became a viral sensation, being forwarded repeatedly. User groups were determined to get around YouTube's attempts to block the immensely graphic film. They posted the clip so often that it became impossible for YouTube to remove it. The first postings were furnished with a commentary. A supposed eyewitness described what was happening. He gave details, presumably in order to underscore the clip's veracity. The incident occurred on the Karekar Avenue, at the corner of Khoravi Street and Salehi Street in Tehran at 7:05 p.m. local time, he reported.

COULD NEDA CHANGE THE COURSE OF IRAN'S HISTORY?

A young woman, watching the protests together with her father, the commentary said, was shot in the heart by a sharpshooter with the Basij, the government militia. "I am a doctor, so I rushed to try to save her," the man says. "But the impact of the gunshot was so fierce that the bullet blasted inside the victim's chest and she died in less than two minutes." "The film is shot by my friend who was standing beside me," he continues. "Please let the world know." Persian-speaking Internet users quickly supplied a translation. The screams, "Stay with me, Neda!" are said to have come from the young woman's father. By Sunday morning "Neda" was the fifth most commented topic on Twitter. She had already become a kind of Joan of Arc. "It took only one bullet to kill Neda. It will take only one Neda to stop Iranian tyranny," was one posting from Tehran on Twitter.

"Neda died with open eyes. Shame on us who live with closed eyes," was one entry. "They killed Neda, but not her voice," was another. During the day thousands of people replaced their profile pictures with tributes to the young woman, such as "I am Neda" or "Neda forever." Others posted images of a broken heart in green, the color of the opposition movement. Many blogs, including that of the New York Times, are now speculating if the footage could change the course of history. There are parallels being drawn to the images that became iconic during the Islamic Revolution. The film could become as much as a symbol as those now historic images from 1979 which showed the Shah's troops shooting on unarmed demonstrators.

IRANIAN POLICE USE FORCE TO BREAK UP PROTEST

(By Nasser Karimi and Jim Heintz)

TEHRAN.—Riot police attacked hundreds of demonstrators with tear gas and fired live bullets in the air to disperse a rally in central Tehran Monday, carrying out a threat by the country's most powerful security force to crush any further opposition protests over the disputed presidential election.

Britain, accused by Iran of fomenting post-election unrest, said it was evacuating the families of diplomats and other officials based in Iran—the first country to do so as Iran's worst internal conflict since the 1979 Islamic Revolution escalated.

Witnesses said helicopters hovered overhead as about 200 protesters gathered at Haft-e-Tir Square. But hundreds of anti-riot police quickly put an end to the demonstration and prevented any gathering, even small groups, at the scene.

At the subway station at Haft-e-Tir, the witnesses said police did not allow anyone to stand still, asking them to keep on walking and separating people who were walked together. The witnesses asked not to be identified for fear of government reprisals.

Just before the clashes, an Iranian woman who lives in Tehran said there was a heavy police and security presence in another square in central Tehran. She asked not to be identified because she was worried about government reprisals.

"There is a massive, massive, massive police presence," she told The Associated Press in Cairo by telephone. "Their presence was really intimidating."

Iran says at least 17 protesters have been killed in a week of unrest so far after the electoral council declared hard-line President Mahmoud Ahmadinejad winner of the June 12 election. His main challenger, Mir Hossein Mousavi, charged the election was a fraud and insists he is the true winner. His followers have been staging near-daily rallies, at least one of them drawing a massive crowds of hundreds of thousands.

Severe restrictions on reporters have made it almost impossible to independently verify any reports on demonstrations, clashes and casualties. Iran has ordered reporters for foreign news agencies to stay in their offices, barring them from any reporting on the streets.

The country's highest electoral authority, the Guardian Council, acknowledged on Monday that there were voting irregularities in 50 electoral districts, the most serious official admission so far of problems in the election. But the council insisted the problems do not affect the outcome of the vote.

Earlier Monday, the elite Revolutionary Guard issued its sternest warning so far in the post-election crisis. It warned protesters to "be prepared for a resolution and revolutionary confrontation with the Guards, Basij and other security forces and disciplinary forces" if they continue their near-daily rallies.

The Basij, a plainclothes militia under the command of the Revolutionary Guard, have been used to quell street protests that erupted after the election result was announced.

The Guard statement ordered demonstrators to "end the sabotage and rioting activities" and said their resistance is a "conspiracy" against Iran. On Sunday, acting joint chief of the armed forces Gen. Gholam Ali Rashid issued a thinly veiled warning to Mousavi, saying "we are determined to confront plots by enemies aimed at creating a rift in the nation."

Mousavi vowed Sunday night to keep up the protests, in defiance of Supreme Leader Ayatollah Ali Khamenei, who holds ultimate

power in Iran. In a sermon to tens of thousands on Friday, Khamenei said demonstrators must stop their street protests or face the consequences and he firmly backed Ahmadinejad's victory.

"The country belongs to you," Mousavi's latest statement said. "Protesting lies and fraud is your right."

Mousavi's Web site called Monday for supporters to turn on their car lights in the late afternoon as a sign of protest.

Mousavi's latest statements posted on his Web site also warned supporters of danger ahead, and said he would stand by the protesters "at all times." But he said he would "never allow anybody's life to be endangered because of my actions" and called for pursuing fraud claims through an independent board.

The former prime minister, a longtime loyalist of the Islamic government, also called the Basij and military "our brothers" and "protectors of our revolution and regime." He may be trying to constrain his followers' demands before they pose a mortal threat to Iran's system of limited democracy constrained by Shiite clerics, who have ultimate authority.

Mousavi ally and former president Mohammad Khatami said in a statement that "protest in a civil manner and avoiding disturbances in the definite right of the people and all must respect that."

Britain's Foreign Office said it was pulling staffers' dependents out because "the families of our staff have been unable to carry out their lives as usual."

In Washington, President Barack Obama said he does not want to become a scapegoat for Iran's leadership as the postelection upheaval continues, but Republicans continued criticizing him for being overly cautious.

The Czech EU presidency summoned the Iranian charge d'affaires to reject claims by Iran that the 27-nation bloc has been interfering in its internal affairs.

Iran state media reported at least 10 people were killed in the fiercest clashes yet on Saturday and 100 were injured.

A graphic video that appears to show a young woman dying within minutes after she was shot during Saturday's demonstrations has become the iconic image seen by millions around the world on video-sharing sites such as YouTube.

Police said Monday that 457 people were arrested on Saturday alone, but did not say how many have been arrested throughout the week of turmoil.

The country's highest electoral authority agreed last week to investigate some opposition complaints of problems in the voting. The Guardian Council said Monday it found irregularities in 50 voting districts, but that this has no effect on election outcome. Council spokesman Abbas Ali Kadkhodaei was quoted on the state TV Web site as saying that its probe showed more votes were cast in these constituencies than there were registered voters.

But this "has no effect on the result of the elections," he said.

Mousavi has demanded that the election result be annulled and a new vote held.

Khatami said "taking complaints to bodies that are required to protect people's rights, but are themselves subject to criticism, is not a solution"—effectively accusing the Council of collusion in vote fraud.

The government has intensified a crackdown on independent media—expelling a BBC correspondent, suspending the Dubai-based network Al-Arabiya and detaining at least two local journalists for U.S. magazines.

English-language state television said an exile group known as the People's Mujahedeen had a hand in the street violence and

broadcast what it said were confessions of British-controlled agents.

The exile group, also called the Mujahedeen-e-Khalq, is the military wing of the Paris-based National Council of Resistance of Iran. The council says it is dedicated to a democratic, secular government in Iran, but the military wing has been blacklisted by the United States and the European Union as a terrorist organization.

The Foreign Ministry lashed out at foreign media and Western governments, with ministry spokesman Hasan Qashqavi accusing them of "a racial mentality that Iranians belong to the Third World."

"Meddling by Western powers and international media is unacceptable," he said at a news conference shown on state TV, taking particular aim at French President Nicolas Sarkozy.

"How can a Western president, like the French president, ask for nullification of Iranian election results?" Qashqavi said. "I regret such comments."

HEALTH CARE

Mr. MCCAIN. Mr. President, I would like to talk a bit about health care, since that seems to be a major issue also of concern to all Americans. Today is June 22, 2009. Millions of Americans still lack health insurance coverage, and we need to pass reforms that help them get coverage. Yet more time has gone by with no plan from the majority. While we wait, how many more people will forgo needed care today? How many emergency rooms will have to care for Americans who could have received care earlier, and at a lower cost, from a medical professional if they had insurance?

The majority talks about reform and how critical it is to move with urgency. They also assert that the economic recovery depends on health care reform. So many of us would like to know: Where is the plan? It is impossible for us to move forward in any manner, let alone with urgency, if we do not even have a complete bill.

On Tuesday June 9, after months of waiting, the majority in the HELP Committee, on which I serve, offered a partial list of health reform proposals, indicating that the missing pieces would be shortly forthcoming. The majority quickly pulled together a roundtable to discuss a wide variety of issues. They even held some walk-throughs with our side on issues of prevention, quality, et cetera.

The following week we were told we would receive the missing pieces "soon" or "early last week." Then we were told they would come forward with the missing pieces "this past Friday."

Now it is Monday and we have received nothing. While we have waited, the Congressional Budget Office told us what many of us had expected and feared about this bill: The cost of the bill would have a cost exponentially higher than many had predicted. In fact, the incomplete bill would cost over \$1 trillion, and this cost would only cover one-third of the 48 million Americans who are currently uninsured.

So we wait and wait and wait, having no details of the much-wanted government plan or the proposal regarding penalties the other side wants to impose on employers who either cannot provide health coverage or who are not able to provide the coverage according to the government dictate.

Now we hear this Friday might be the day we have a chance to see what they have been working on behind closed doors. Friday also happens to be the day of the Fourth of July recess. The President and congressional Democrats have told the American people that health care reform legislation must be passed by the Senate prior to the August recess.

Given that we will not have the text of the legislation prior to the Fourth of July recess, I am skeptical that the HELP Committee and the Finance Committee will be able to complete their work, combine two possibly divergent bills on the Senate floor, and pass a bill during the 5 weeks remaining in the July work session.

One thing I have found out around here is that we miss a lot of things, but we never miss a recess. The Senate passed the budget blueprint in late April. That included a possible budget reconciliation process for considering health care reform legislation.

One must wonder. One must wonder if the majority is intentionally pushing back the schedule and dragging out this process so that a bipartisan process and solution is not feasible. Under budget reconciliation, which sounds arcane to most Americans, the majority would be allowed to jam this important policy through the Senate with 51 votes instead of the typical 60, with limited time for debate and amendments.

I am left to wonder if this contingency was not planned on all along, to use reconciliation, to muscle through the health reform we all know is desperately needed but to circumvent the normal procedures of the Senate.

I and my colleagues on this side of the aisle continue to await the Democrats' complete bill and their plan to make taxpayers pay for this trillion dollar new government program. So many questions remain until the missing parts of the bill are provided.

When will we get details of the government insurance plan we are told is essential to reform? When will we see what employer health care mandates look like? How much will the complete plan cost? How will it be paid for? Each day the majority fails to provide a complete plan, along with the complete cost and how it will be paid for, is another day that millions of Americans go without health insurance.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I consume.

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

HEALTH CARE

Mr. DORGAN. Mr. President, as this country tries to pull itself out of a very significant economic crisis in which millions of Americans have lost their jobs, lost their homes, lost hope, there are a number of things we have to do that also threaten the future of this country, in addition to trying to restore some economic health, and those include health care to be sure—we are working on this issue of health care; the second is an energy policy that makes us less dependent on foreign oil, where we are far too vulnerable and far too dependent; and the third is the relentless march of increased Federal budget deficits. All three of these issues, in my judgment, threaten our country's future. I wish to speak about them in the coming days. Today, I wish to talk about health care specifically.

Let me again say, I do that with the understanding that first and foremost we have to pull this country out of the difficulties we are in with the general economy and try to find ways to promote economic growth and put people back to work with jobs that pay well and give them the opportunity to care for their families. That is what gets America moving again. But when we do that, when we begin to restore this economy to economic health, the vulnerabilities that will remain are health care, energy, and the Federal budget deficits far into the future. So let me talk about health care just a bit.

I know there is a lot of discussion in the committees, the two relevant committees, the Finance Committee and the so-called HELP Committee, both of which are writing pieces of the health care reform bill.

It is true that increased health care costs—the increased cost of insurance for families, businesses, and governments—are on the march. Now it consumes over 17 percent of the domestic product of this country. Of all the goods and services we produce, over 17 percent of that is consumed by health care. And the rate of increase is unsustainable. Families will not be able to pay the extra cost year after year after year. We are told that nationally it now costs about \$12,000 for a family health insurance policy.

So what do we do about this? Well, we hear a lot of discussion on the floor of the Senate, when we start talking about health care, where people will say: Well, now you are talking about a government-run health care system in which a bureaucrat is going to make decisions about how much treatment

your doctor can provide to you personally.

That is just absurd. That is not what this discussion is about. But if we can get back to some thoughtful discussion rather than thoughtless discussion on health care, maybe we can all reach an agreement of how to improve this system. I personally think this system needs improving. Let me describe some things I think we should do.

First of all, we do not have a health care system so much as we have a sick care system. We do not pay any attention in this country to the things that can keep you from being sick or getting sick; we just pay a lot of money to put you into acute-care beds once you have gotten sick. That makes no sense at all. We ought to change the entire model to say it is much, much less costly to do the preventive things than it is to pay for acute-care beds in a hospital once someone gets sick.

This is all about behavior in many respects, and nobody wants to talk much about that. But behavior is a very important part of this. We are told that two-thirds of the American people are overweight and one-third are obese. Just that alone imposes unbelievable costs on this health care system of ours.

By the way, attendant to that issue of obesity and being overweight is the march of diabetes. The incidence of diabetes in this country is unbelievable. It just ratchets up and up and up every year.

Now, you wonder about that, wonder about America's children and the number of children who are overweight and obese. Walk into a school and then find out that in a number of schools in our country, they have decided to make money by allowing the soda machines, the pop machines, from the largest manufacturers in this country to sell Coke and Pepsi and other soft drinks in the school hallways. You can buy not only a soft drink full of sugar, you can then buy, perhaps, a bag of Doritos to go with it in the middle of the afternoon at school. So what kind of message is that in a country in which a substantial number of the people—especially children—are vastly overweight and in which we, by the way, minimize physical fitness in our schools because we have become very obsessed—and necessarily so—we care now more about math and sciences and getting out of our school system more engineers, more people steeped in the maths and sciences. But should that be at the expense of physical fitness? What kind of a brain is walking around without a physical being to propel it? How about some physical fitness in our schools? How about moving soda machines or the soft drink machines and the Doritos and Cheetos out of the school hallways? Those things are just common sense. It is about personal behavior, and it is about what we do in this country.

By the way, the reason those machines are there is, if they can put ma-

chines in the hallways of schools, the companies will provide money to the schools. So that is how we are going to fund our school system these days—through soft drinks and chips? It does not make much sense to me.

With respect to this issue of personal responsibility and behavior, let me describe a meeting we held about a week and a half ago with the CEO of Safeway corporation. I know he has met with groups of Republicans and Democrats here in the Congress. He said something very interesting, and I am using numbers that I think approximate what he said. They may not be precise, but I believe he told us there are between 40,000 and 50,000 employees at Safeway corporation who are non-union. He began a project with those 40,000 and 50,000 people in health care, and now he is beginning to try to move that into the union contracts.

Here is the project. That company says to its employees: I want responsibility for four areas in exchange for lower cost health insurance. We believe behavior is an important part of controlling health care costs. No. 1, if you have high blood pressure, we want you taking medicine to control your high blood pressure. No. 2, if you have high cholesterol, we want you taking medicine to control your high cholesterol. And I believe he said the company is paying for that. No. 3, if you are smoking, you have to have stopped or be on a program to stop. No. 4, if you are overweight, you have to be on a program to deal with that issue.

Cholesterol, high blood pressure, weight, and smoking—in each case, from a baseline of the cost of health insurance policies, those who are engaged in behavior that addresses these four issues have gradations of lesser costs for their health insurance premiums. In other words, it is about personal behavior and taking responsibility for addressing the things that can keep you healthy.

He indicated to us that they have had flat costs for 5 years in that body of employees dealing with this criteria in health care. That is a success. If that is the model he is using, saying: You have a responsibility.

By the way, even in their cafeteria, where they have partially subsidized company food during the lunch hours, just as an example, he said: We still serve unhealthy things. But we charge much, much more for it—once again trying to induce the behavior to take a healthy alternative.

So I think what Steve Burd, the CEO of Safeway, has suggested represents something we need to consider as we write our health care legislation.

There is another element that was brought to my attention recently and I think has been brought to the President's attention and Members of the Congress, and that is a New Yorker article written by Atul Gawande, a doctor from Harvard. He visited McAllen, TX, and El Paso, TX, and wondered why in one city you have the highest

costs per capita for health care and why the other city is just average. What caused this? He has a lot of conclusions, and I think very interesting conclusions, about overutilization in health care, and the movement of doctors' ownership with respect to the business side of health care. The doctors' ownership in a cancer clinic, ownership in a new heart clinic, those kinds of things that he suggests promote substantial overutilization.

The fact is, in our part of the country, where it is reasonably sparsely populated—the northern Great Plains—almost every hospital of any size wants to have a cardiac surgical unit so they can do open-heart surgery. They do not all need to do that. In fact, it duplicates services, which then ends up costing more because you are duplicating services. But every hospital wants it. So many of our States have more than is necessary of cardiac surgical suites.

This weekend, I was reading about two hospital groups merging, and one of them indicated that one of the advantages would be they would be able to then perform perhaps procedures they do not now perform, citing especially heart transplants. Why would we want duplication of a lot of facilities doing heart transplants? It does not seem to make sense to me. There are not so many done in the United States that we should not at least try to suggest that you do not need too many heart transplant centers.

Some say: Well, then who should tell them they cannot do that?

Well, if you just decide that overutilization is all right; whatever it costs, it costs; whatever it pays, it pays, I think I can tell you that you cannot solve this issue. Again, I am not suggesting government-run health care, but I am saying we ought to be reasonably smart about what we are doing, and that has not always been the case.

I wish to talk about one of the fastest rising areas of health care costs for a moment; that is, the issue of prescription drugs.

By the way, maybe they ought to tone down some of this advertising or knock it off. You get up in the morning and brush your teeth. If you have a television set near and have it on just for listening purposes, you are no doubt going to hear a commercial that says: Do you know what, you should go ask your doctor whether the purple pill is right for you. I do not know what a purple pill is, but they have described a purple pill that is going to do something for you, and they ask you to go ask your doctor if you should be taking the purple pill because you cannot get it unless a doctor thinks you need it.

We have massive amounts of advertising on prescription drugs in this country. In fact, some have indicated that the promotion and advertising and marketing of prescription drugs exceed research and development by the companies that manufacture prescription drugs. Frankly, for anything that is

prescribed only by a doctor and capable of being prescribed only by a doctor, why do you have direct-to-consumer advertising? Most nations like ours do not allow it. I believe there is only one other of the industrialized nations that does—something to consider about perhaps reducing health care costs.

But I want to talk about the other side of prescription drugs.

Mr. President, if I might by unanimous consent show these two bottles.

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

Mr. DORGAN. Lipitor is one of the most popular prescription drugs in the United States, I believe, for lowering cholesterol. These bottles are identical. One is blue and one is red. They look identical because they are produced by the same company. It is produced in Ireland. Lipitor is produced in Ireland and shipped around the world. The difference between these two bottles is not the medicine inside. It is the same pill, made by the same company, in the same place. The difference is it is shipped to different places. This one is shipped to Canada, and this one is shipped to the United States. The U.S. consumer has the pleasure of paying twice the cost as the Canadian consumer. But it is not just Canadian. It is French. It is Italian. It is British. It is that almost every other industrialized country pays a fraction of the price we do. Why should the American consumer be charged the highest price in the world for this prescription drug? Because those who apply the price have the ability to do it.

Some of us—Senator MCCAIN, myself, Senator KENNEDY, Senator GRASSLEY—Republicans and Democrats—Senator SNOWE, especially, my cosponsor on the importation of prescription drug legislation—some of us believe the American people ought to have the ability and the advantage of the world marketplace to purchase that identical prescription drug—FDA approved, produced in an FDA-inspected plant—to be able to purchase it from anywhere in the world at a fraction of the price.

We put together legislation that dramatically improves the safety of our domestic prescription drug supply and the drugs coming in.

By the way, a lot of the prescription drugs we take are imported. Lipitor is imported into this country. The pharmaceutical industry—which has always opposed our legislation because they want to charge the highest prices in the world to the U.S. consumers—they say: Well, if you do this, if you allow Americans to import FDA-approved drugs, there is a greater possibility of counterfeiting. Our legislation actually will dramatically improve safety because we require pedigree—we do all kinds of safety mechanisms that do not now exist with respect to our prescription drug supply.

So my point is, this is not rocket science. Do you want to reduce health care costs? I would say to the Finance

Committee, and the HELP Committee, make sure you put this piece in your legislation because some of the fastest rising costs in this country are prescription drugs, and we know how to solve that. If we pass the legislation Senator SNOWE and I have introduced, with broad bipartisan support, that allows the importation of FDA-approved prescription drugs by American consumers, it will require the pharmaceutical industry to reprice their drugs and allow our consumers to have fair prices for the prescription drugs they take.

By the way, our legislation is actually a winner. It is \$50 billion dollars in cost savings and deficit reduction, according to the CBO evaluation.

So the fact is, there are a lot of things we can do and a lot of things that represent common sense. I know some will want to put together a health care proposal that would look like a Rubik's Cube with all kinds of moving pieces. It need not be that complicated. I just described some of the things we can do that represent common sense.

Let me make one more point. Medicare has been a very successful program. When Medicare was started, the fact is, they established a base funding for Medicare that represented the cost for health care delivery at that time from that place. The result is, those areas with the highest costs got the biggest reimbursements. And it is still true today that some of the States—including my State—measured with some of the highest quality of health care in this country get the lowest reimbursement because they are the most efficient. That is preposterous. Whatever we do on health care, it has to address that issue. Let us at least, after nearly 40 years, begin to decide we will not reward inefficiency and we will not reward higher costs.

I am not suggesting this is unbelievably simple; it is not. In many ways, I kind of wish we could hearken back to the old days, but in the old days we didn't have the medical miracles and the medicine we have now. In my hometown of 300 people—a small town—we did have a doctor. He came as a young man and stayed until he died, and he provided health care. There was no Medicare. He provided health care to anybody who needed it, and if they couldn't pay him, he would take some chickens or a hog or a side of beef. If he was out on a ranch or a farm and delivered a baby and they didn't have any money, and somebody else had money, he would charge a little extra to make up for the people who couldn't pay, so he administered his own health care system.

Then we couldn't look inside the human body. We didn't have the miracle medicines through the NIH and PhRMA and others that allow us to stay out of an acute care bed. We didn't have all of those things. So now health care has become much more complicated. According to the New Yorker

magazine article, which I recommend to everybody, when we have decided to make health care a “business proposition” where you can get several doctors together and open a cancer center, that becomes something in which you promote overutilization. And it is happening in parts of our country. We need to be concerned about that and try to evaluate what can we do together to deal with it.

One final point. Some of my colleagues march to the floor every single day and allege that a bill that doesn’t yet exist is going to be a government takeover of health care. Well, apparently they are clairvoyant, because we don’t yet have a bill. When that bill exists, they have every right to come to the floor and describe the facts about the bill. One would hope in this debate we could stick to those facts, but there is not yet a fact that allows somebody to say there is a government takeover of health care, because there is not yet a bill out of either of our committees. There have been some introductions of topics and legislative proposals, but that is far different than a bill from a committee. We will have undoubtedly a robust debate on this, and we should. Health care is a very important element in this country’s economy. It is growing, and growing too fast, and we need to deal with it to make sure all Americans have access to health care. A sick child should not have to wonder whether they get to see a doctor depending on how much money their parents have in their wallet or their bank account. That is not what health care ought to be in this country. So we can and will do much better.

I indicated I wish to talk about the future threats to this country, one of which is the march of health care costs. The second, in my judgment, is our unbelievable vulnerability on foreign oil and energy. The third is deficits. I will talk about the following two in the coming days as well.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, the Presiding Officer wishes to speak for 5 minutes. I would be glad to speak after that. I ask unanimous consent that following the Senator from Virginia being recognized to speak for up to 5 minutes, then I be recognized to speak.

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

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am not sure whether we are in a quorum call.

The PRESIDING OFFICER. We are not.

TARP RECIPIENT OWNERSHIP TRUST ACT

Mr. WARNER. Mr. President, I rise today to discuss bipartisan legislation that I am cosponsoring with my col-

league Senator CORKER concerning the Federal Government’s recently acquired ownership stake in a number of private companies.

I think we all know the taxpayers have been on a roller coaster ride for the past 9 months, and from their perspective, each twist and turn has left us more deeply invested in troubled markets and oftentimes troubled companies. Americans are concerned about getting their money back and want to keep politics out of how we manage these investments we have had to make over the last few months.

Last week, Senator CORKER and I introduced S. 1280, the TARP Recipient Ownership Trust Act. What will this bill do? Three very simple things. First, it will remove politics from our management of taxpayer investments in private companies. Second, it will ensure these investments are managed in order to maximize taxpayer returns. Third, it will allow us to plan for removing the government from the private sector by setting a date certain for selling these investments.

To achieve these goals, Senator CORKER and I are proposing that if the government owns more than 20 percent of a private company we place that ownership stake in an independent trust. This trust would be run with a fiduciary duty for taxpayers by three independent directors appointed by the President. These directors would agree to perform this work for free as a service to the country and in doing so would give the American taxpayers what they deserve: the upside of the massive investments they have provided over the past 9 months. The trust wouldn’t be an open-ended ownership in these companies; the trust would have to sell all of these assets by the end of 2011, though they could ask for a brief extension if it were, again, in the interest of the taxpayers’ return. In this way, taxpayers can know we won’t own stock in these companies for the next 20 years. In practice, this means that taxpayer ownership of AIG, Citigroup, and General Motors would be managed in order to maximize the return on these taxpayer investments.

We have all seen how political and contentious the TARP program is becoming. I know back when we voted on this matter earlier this year how controversial it was. I still think it was unfortunate that we got into this circumstance but fortunately the right thing to do. While there are a lot of challenges about how we got into this program, if we did look around—actually, Steven Pearlstein of the Washington Post pointed out in an article recently that if 9 months ago, if 6 months ago, or even 3 months ago, back in the middle of March when the stock market was at its all-time low in terms of reacting to this crisis, any economist would have said by the end of June, would you be willing to look at a circumstance where the market was up 25, 30 percent—although it was a little bit down today—if many of the

banks we had invested TARP funds in were actually trying to repay those TARP funds, and if we had seen the housing market, at least in many communities, start to stabilize, would we view that as a good outcome. Well, that is basically where we are. While we have enormous problems, we are seeing some progress. But one needs only to look at the number of TARP-related amendments that have been filed in the Senate in these past months. As a matter of fact, the leader was speaking today about the number of TARP amendments that could potentially be on the travel bill that we will have before us to know that this has become a lightning rod.

Some of the reasons for this concern are truly relevant and they are because the American people don’t know when and how the TARP program is supposed to end. The American people, unfortunately, who invested in individual companies—some of the companies that now we have invested in—don’t know how much we as the public will get back, or whether we, as the public investment, will politically interfere with the management of these companies. That is, again, why we need to implement this legislation Senator CORKER and I have laid out that will put these ownership shares in this independent fiduciary trust.

I don’t support cutting off TARP right now or limiting the tools it currently provides the administration, including the limited reuse of money that is repaid to the government. TARP already has a sunset date after which more funds cannot be spent, and since markets are not back to normal, even though there is improvement, we shouldn’t prevent the use of the tools we currently have. But we do need to set parameters for managing our investments and winding them down in order to take the politics out of this program.

American taxpayers deserve to have their investments managed in order to maximize their returns. That is what the trust will do, and I hope we will consider using this model for other investments as well.

This trust will also help us take some of the politics out of the TARP program, and that is why I am proud of this legislation as bipartisan and led by my friend from Tennessee, Senator CORKER. I hope my colleagues will join in supporting this bipartisan legislation, S. 1280, the TARP Recipient Ownership Trust Act. While this measure won’t resolve all of our concerns surrounding TARP, I hope it can serve as a model to maximize the taxpayer returns on their investment.

Let me also take one additional moment to speak about another investment-related matter. Under the leadership of Senator JACK REED from Rhode Island, when the initial investments and the initial TARP plan were put together, Senator REED, I think appropriately, said if we invest in banks in addition to getting a traditional return, we, the public, who are taking

these risks ought to see some upside potential for taking the risks in terms of warrants. Luckily, the Congress went along with that and we did receive warrants from a number of the banks we invested in. I personally am very happy to see that a number of these banks are starting to repay the investments the public made. However, there remains the question: What are we going to do with the warrants? Senator REED and I have asked Secretary Geithner a number of times, and we hope he would also consider placing these warrants into some type of independent trust as well so that, again, we, the taxpayers, can receive the upside of these investments.

We took the risks with these banks during these troubled times. I am happy to see these banks return these funds. However, for the banks to buy back or sell back these warrants at what I believe today is still a discounted price would not allow us, the taxpayers, to maximize our investments. So, again, I hope Secretary Geithner responds to the requests that Senator REED and I have made in making sure that these warrants are appropriately put into the same type of independent fiduciary trusts that I am proposing for the private investments we have made under TARP.

I yield the floor.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

HEALTH CARE REFORM

Mr. CORNYN. Mr. President, health care reform is very much in the news and very much on the agenda of the Senate, as the American people know. So far, they have learned very little about how Congress plans to address what is broken in our health care system.

As the Presiding Officer knows, two committees in the Senate are primarily given the responsibility for writing a health care reform bill. Of course, the HELP Committee—the Health, Education, Labor and Pensions Committee—chaired by Senator KENNEDY, the Senator from Massachusetts, and the Finance Committee, chaired by Senator BAUCUS. The ranking member, of course, is Senator CHUCK GRASSLEY from Iowa. These two committees, as well as the President of the United States, are considering numerous proposals that deserve the careful attention of the American people and of Congress, because this legislation, however it turns out, could fundamentally affect the relationship between patients and their doctors as well as the relationship between the individual and our government.

In the Kennedy bill, which has been proposed and which is pending now before the Health, Education, Labor and Pensions Committee, there are several troublesome provisions. One, a govern-

ment-run plan which would compete, allegedly, with the private sector. But as we all know, the government is the 800-pound gorilla, and there is no true competition when government is involved. In fact, one projection is that as many as almost 120 million people would ultimately find themselves in a single-payer, government-run system, because essentially the Federal Government would undercut those private health plans to the point where individuals would find themselves with no choice other than to have the government direct their health care.

Another troublesome provision is the so-called pay or play mandate. It goes without saying, almost, but I will say it anyway, that small businesses create the vast majority of jobs in America. Yet this proposal, I think mistakenly, would impose a punitive tax on small businesses that are unable to keep their doors open and provide health insurance for their employees. We want to allow small businesses to provide health care to their employees by bringing down the costs, and we have a number of mechanisms to do that. But the idea that we are going to impose a punitive tax on small businesses that do not provide a health care plan for their employees will destroy jobs, so people will not only be without insurance, they will be without jobs, period—a bad idea.

Third, the Kennedy bill would provide new Federal subsidies to individuals making as much as \$110,000 a year—astonishing. At a time when we are looking at spending or borrowing as far as the eye can see and deficits up to \$2 trillion, unfunded liabilities in the tens of trillions of dollars, there is actually a proposal before the HELP Committee that would increase the size of Federal entitlement programs and increase the tenuous position of this Medicaid Program which would then fund health insurance for people making up to \$110,000 a year.

Fourth, the Kennedy bill would impose a medical advisory council.

I always get a kick out of the innocuous names given to some pretty sinister stuff up here. I would say it is sort of akin to calling the former Soviet Union's politburo an advisory council. In fact, this medical advisory council—comprised of unelected and unaccountable bureaucrats—would have the power to dictate personal health decisions.

I don't know anybody who thinks that is a good idea; certainly nobody I have talked to. This Kennedy proposal, with all due respect to our friend and colleague from Massachusetts, is chock full of bad care policies. The worst part of it is, they will not lower health care costs for people who have health insurance now. In fact, they will make our debt burden and the debt burden of our children and grandchildren much worse.

The price tag on government programs keeps growing and growing and growing here in Washington, DC. In

fact, the President's proposal for his budget this year projected a "downpayment on health care reform." Well, I have told people that where I come from we don't make downpayments on something unless we know exactly what it is we are buying. So far the American people don't know what they are being asked to buy.

Indeed, the other part of that—and this just staggers my imagination—is that we already spend almost twice as much as the next closest industrialized nation on health care per capita. We spend roughly 17 percent of our economy—our gross domestic product—on health care. Why does anybody think it is a good idea to spend even more? If we were getting a good value for that spending, that would be one thing, but we know this current level of spending is full of fraud and waste and other problems. So why in the world would we want to make matters worse by spending more money on top of a flawed health care delivery system?

Talking about money—and I know it is hard to imagine how much we are talking about—it used to be that \$1 million was a lot of money; then a billion dollars seemed like a lot of money—and it is—and now we are sort of becoming increasingly immune to these big numbers when people talk about trillions of dollars and more. For example, earlier this month, the proposal that Senator KENNEDY made—that is pending now in front of the Health, Education, Labor, and Pension Committee—was scored by the Congressional Budget Office, which is responsible for giving us good numbers in an impartial, nonpartisan way, so we can make sound policy decisions. They said the Kennedy bill would cost more than \$1 trillion over the next 10 years. The problem is, that was only for part of the bill. In other words, that was not the complete cost of the bill proposed by our friend and colleague from Massachusetts, Senator KENNEDY.

To make matters worse, the Congressional Budget Office said the bill would only cover one-third of the uninsured. Ironically, it would ultimately chase millions of people off the insurance coverage they have right now. So it strikes me as a very bad answer to a very real problem.

Last week, we also learned of the Congressional Budget Office's estimate for the Senate Finance Committee proposal—the second committee that is dealing with health care, and the committee on which I am privileged to serve. Here again, the Congressional Budget Office—the number crunchers, the folks with the green eyeshades who try to call them as they see them so we can take that into account in determining policy decisions—said the proposal coming out of the Finance Committee would cost \$1.6 trillion more over 10 years. So on top of the 17 percent of our gross domestic product, we are talking about proposals that would spend \$1 trillion to \$1.6 trillion of additional money on top of a broken system.

Well, two things are becoming increasingly clear so far; that is, it seems like there is less concern in Washington about lowering health care costs than shifting those costs to the taxpayers. The costs related to a Washington takeover of health care keep going up and up. You would think these huge price tags would convince some folks in Washington we ought to call a time out, to back up and come back with a different idea. You would think it would cause Senators and Congressmen and other leaders here in Washington—the President—to come up with a new approach, to be open to different alternatives where we could actually lower costs, not only for the taxpayers but for small businesses and individual consumers. Instead, we see proposals coming out of the White House and the Halls of Congress calling for more spending and more debt.

Of course, one thing that happens around Washington when people don't like the news being delivered by non-partisan agencies, such as the Congressional Budget Office, is they try to shoot the messenger. Last week, Speaker PELOSI accused the Congressional Budget Office of providing misleading analyses of health care reform bills. I don't believe that is the case. I actually believe the professionals at the Congressional Budget Office are doing very difficult but unpopular work. They are speaking truth to power here in Washington and making the folks who would pass these enormous unfunded bills and impose this huge debt on generations hereafter somewhat unhappy. But I think they are doing an important service by telling us the facts.

Last week, I commended the Director of the CBO—Dr. Doug Elmendorf—for saying that CBO will “never adjust our views to make people happy.” God bless Dr. Doug Elmendorf for his integrity and his commitment to telling the truth. We need to learn how to deal with the truth, not try to remake it or cover it up.

The second part of these proposals that causes me grave concern is this notion that we actually need to spend more money in order to be able to save money in the end. We need to spend money to save money. I know the distinguished occupant of the Chair had a very successful business career, and maybe that is true in the private sector—sometimes you have to invest money in order to make money or save money later—but I can't think of a single Federal Government program where that worked—you have to spend more money in order to save money. It does not happen around here.

Let me cite somebody who perhaps is certainly more authoritative than I am: Professor Katherine Baicker of the Harvard School of Public Health. She said:

Universal insurance is likely to increase, not reduce, overall health care spending.

Professor Baicker predicted months ago what the Congressional Budget Of-

fice has recently concluded. The Congressional Budget Office said:

By themselves, insurance expansions would also cause national spending on health care to increase, in part because insured people generally receive somewhat more medical care than uninsured people.

The Washington Post recognizes this as well. In an editorial this morning, it said:

It is quite likely that any legislation that emerges will create a hugely expansive health-care entitlement with no guarantee of the upward cost spiral being slowed.

The Post also said:

... given a national debt already growing out of control and the risks that health-care costs won't be controlled, you may worry about taking on a large new burden (\$1.6 trillion over 10 years ...).

I think that is exactly right. That is what makes people anxious about what they hear coming out of Washington under the name of health care reform.

I think it is fair to say that the “spend more to save more” thinking is what resulted in the wasteful and counterproductive stimulus bill that was passed earlier this year—a bill that we got on our desks—the conference report—at 11 p.m. on a Thursday night and were required to vote on less than 24 hours later, when virtually no one had even had a chance to read it. I was comfortable with my vote, because I voted against it, for many reasons but one of them being I didn't know exactly what was in there.

The stimulus bill was a very partisan bill, passed over the nearly unanimous opposition of congressional Republicans. But we were told something along the lines of what we now hear: Spend more to save more. We heard that spending was good, for its own sake, and that borrowing and spending was the quickest route to economic recovery. We were told we had to rush through this binge of spending—borrowed money—or else unemployment would rise to over 8 percent.

Well, the results are in, and they are not very good. The national unemployment rate is now 9.4 percent—not 8 percent. In many States, it is well into double digits. A lot of stimulus money has been simply wasted, and the bulk of it is stuck here in Washington.

I think what we ought to do is take it and return it to deficit reduction, so we can, hopefully, lower the burden we have imposed on our children and grandchildren under a ruse, under the pretense that we were actually going to use that money to get the economy back on track. It hasn't happened. While we are seeing some so-called green shoots of the economy beginning to spring up, with improved results on Wall Street, we know unemployment is very high and we are not out of the woods yet.

Indeed, we are looking at the prospect of runaway inflation, unless the Fed does a very tricky balancing act as it contracts its balance sheet and unwinds a lot of lending it has done in the past. Because one result is that as the

economy improves, inflation will be a great risk. Of course, the Fed has a tough balancing act to play, because if they crank up interest rates too soon, it may well kill the recovery and we will be back in the position we find ourselves in now.

The bottom line is, we can't spend more to save more. It didn't work in the stimulus bill, and it is not going to work when it comes to health care. Proponents of a so-called public plan or government plan—what I call a government takeover, or Washington takeover of health care—are saying that it works as well as Medicare at keeping costs low. As a matter of fact, that is the model they started out with. They said: Medicare for all, until they realized that wasn't a very good example because of the fiscal unsustainability of Medicare spending that we see now with tens of trillions of dollars in unfunded liabilities and also the fact that a lot of Medicare beneficiaries, while they have the promise of coverage—of Medicare—they can't find a doctor to see them. Medicare rates are so low that many physicians—for example, where I live, in Travis County, in Austin, TX, only 17 percent of physicians will see a new Medicare patient because reimbursements rates are so low.

We need to fix Medicare, yes, but we don't need to take the current broken system and blow it up and make it the system for 300 million people and consider that we have done our job.

I mentioned the \$38 trillion in unfunded liabilities. It is estimated Medicare will go insolvent in the year 2017 unless we do something about it. In fact, many beneficiaries of Medicare know it is inadequate alone, so they buy supplemental policies. Medicare forces many providers, as I mentioned, to limit the number of patients they accept because reimbursement rates are so low. Here is another part of why Medicare is a bad model. The Washington Post estimates that \$60 billion of taxpayer money is stolen or wasted or lost to fraud in Medicare each year. Surely, we need to fix that problem.

Senator MARTINEZ and I have introduced legislation that we believe will cut that figure down dramatically and make sure more of that money goes to treat Medicare beneficiaries rather than being stolen or defrauded by some unscrupulous health care providers.

Medicaid only works as well as it does because of cost shifting to people with private insurance.

Economists will tell us that cost shifting occurs when a health care provider accepts low government reimbursement rates but can only do so if it anticipates collecting higher rates from those with private insurance. This cost shifting acts like a hidden tax on millions of American families and small businesses. One respected actuary estimates that cost shifting increases the average American family's health care premium by more than 10 percent or \$1,500. That means those listening who have private health insurance, their family will pay \$1,500 more

each year because of this cost shifting phenomenon because Medicare and Medicaid reimburse at below-market rates. So those are hardly a model for what we ought to be doing. Adding another new government plan on top of the ones we have, of course, will only increase the costs. We will never lower health care costs by putting Medicare all in place or what some might call Medicare on steroids. We need new approaches.

Mr. President, there are better alternatives. We have a bill that has been proposed by Senators BURR and COBURN on our side of the aisle. Several members on the Finance Committee, including myself, are working on a proposal that will empower patients and consumers, and not the government; that will not get between doctors and patients and will not rely on denying or delaying access to care in order to keep costs down. We believe innovation is one of the things that has made health care in America among the greatest in the world, and that is why we believe we need to retain, protect and nurture that innovation and that quality health care: to empower patients to use a market that plays by the rules to help lower their costs.

I have seen that as recently as a few weeks ago in Austin, TX, when I visited with a number of employees of the Whole Foods Company that is headquartered in Austin—a grocery company—where these workers have health savings accounts or high deductible insurance. They call them wellness accounts. I was told that 80 percent of the employees at Whole Foods don't have to pay any money out of pocket for health care. Since they have wellness accounts, or money they control, they have been empowered to become good, smarter consumers in health care.

So they will call health care providers and say: How much are you going to charge me for this? They will shop and compare different providers to make sure they are getting the best price for the best quality outcome. I think that kind of thing, which imposes market discipline but which requires transparency, is one way we can hold down costs and empower individuals rather than just turn it all over to Uncle Sam.

Let me say, in conclusion, we keep hearing we must put health care reform on the fast track in Washington, DC, although we see the schedule slipping because of the sticker shock at the huge numbers coming out of the CBO. I have told folks back in Texas that we know the train is leaving the station, but we don't yet know whether that train will safely arrive with all of its occupants healthy and alive or whether what we are witnessing is, in essence, a slow-motion train wreck in Washington, DC.

The more the American people learn about what is in these bills and how much they cost, they will want us to slow down so we can make better decisions and we can get this right.

I think we owe them that. I yield the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, we are to report the pending legislation.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TRAVEL PROMOTION ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1023, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

Reid (for Dorgan/Rockefeller) amendment No. 1347, of a perfecting nature.

Reid amendment No. 1348 (to amendment No. 1347), to change the enactment date.

Reid amendment No. 1349 (to the language proposed to be stricken by amendment No. 1347), to change the enactment date.

Reid amendment No. 1350 (to amendment No. 1349), of a perfecting nature.

Reid motion to commit the bill to the Committee on Commerce, Science, and Transportation, with instructions.

Reid amendment No. 1351 (to the instructions on the motion to recommit), to change the enactment date.

Reid amendment No. 1352 (to amendment No. 1351), of a perfecting nature.

Reid amendment No. 1353 (to amendment No. 1352), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the legislation that is now the business of the Senate, on which we will have a cloture vote at 5:30, is legislation that probably demonstrates that agreement is near impossible in this body.

If you cannot agree on tourism, what can you agree on? Tourism ought not to be the subject of very substantial controversy. Yet it is.

Last week, in an article in Roll Call, it says "Senate GOP still saying no." The quote is:

When they bring bills up, we are going to extend the debate as long as we can, block everything.

So this legislation is simple, and it is bipartisan. Republicans and Democrats have both supported this legislation. I was the author of it. We have Repub-

lican and Democratic cosponsors. It is the Travel Promotion Act. Why should we promote travel?

If you watched the U.S. Open Golf Tournament today, you might have seen the country of Turkey advertising during that golf tournament. They were running an advertisement saying: Come to Turkey. We want you to travel to Turkey and see the wonders of our great country.

Why would they do that? Most countries are now aggressively involved in trying to attract international destination tourism to their country. Why is that the case? We know on average that an international traveler spends about \$4,500 per trip, and that means they are purchasing hotel rooms and car rentals and going to see exhibits and parks and all kinds of things. The fact is, it is job creating in a country where international travelers visit. So most countries are now very active trying to attract people to their countries. Japan is, as are Great Britain, Italy, Turkey, France—you name it.

I have some charts. Here is an example of what is happening out there. This is an advertisement: "Sweet secrets from Japan." To learn about Japan and its culinary arts and traditions, this is an advertisement saying: Come to Japan. Come and travel in the country of Japan.

Here is an advertisement from France. Picasso, Normandy Landings. Come and see France with the Eiffel Tower.

Here is one for Belgium. "Travel to Belgium where fun is all in fashion," they say.

Brussels, "Sophisticated simplicity, the capital of cool."

This one says: "One special reason to visit India in 2009. Any time is a good time to visit the land of Taj. But there's no time like now." Come to India.

The list goes on and on.

Here is Ireland. "The Emerald Island. Go where Ireland takes you." And here is a beautiful picture of Ireland saying: Come to our country.

Finally, we have Australia. "Arrive for an experience to remember. Depart with an adventure we'll never forget." Come to Australia.

I describe these and the fact that Turkey advertises on a golf tournament because here is what happened to visitors to the United States since 2000: Between 2000 and 2008, we have had a 3-percent decrease in visitors to our country from other countries. Mr. President, 633,000 fewer people have come to the United States to visit per year that existed in 2000. Over 8 years, we have actually lost ground and had fewer people visit the United States. Contrast that with the number of international visitors around the world, which is up 40 percent. The United States is down 3 percent.

We have constructed—Republicans and Democrats together—a piece of legislation, which I have brought to the floor, that attempts to get our

country into the game to say let's compete with Australia, France, Italy, Turkey, and Belgium and ask international visitors and travelers to come to our country to see the wonders of our great country. Spend some money here to create jobs here and create economic development here. We are not doing that now. We are not even in the game.

So we suggest a private-public partnership we believe could be very helpful in attempting to stimulate international visitors to our country. The Travel Promotion Act will encourage visitors from all around the world. We establish a corporation for travel promotion.

We fund it with a very small charge on international visitors coming to our country, as most countries do, by the way, a \$10 fee on those who are coming from the countries that had the visa waiver provision with our country.

Here is what has been said about our country recently, and here is perhaps why fewer people are visiting the United States. The Sydney Morning Herald said, "Coming to America is not easy." I think there was a feeling around the world post-9/11, we are very interested in trying to keep some people out of here. Obviously we wanted to keep terrorists out. But we made it pretty difficult for people to come visit, get a visa, stand in line, wait for months. The Guardian said, "America, more hassle than it's worth." The Sunday Times in London says: "Travel to America? No thanks."

So a group of us, a large group, over 50 in the last Congress, put legislation together saying: Let's find a unique way to promote our country. We put together the Travel Promotion Act. And by the way, unlike almost every other piece of legislation that comes to the floor of the Senate, that costs money and would increase the deficit if not paid for, the Congressional Budget Office says: Enacting this bill would reduce budget deficits by \$429 million—that is almost a half a billion dollars—between 2010 and 2019. So this would reduce the budget deficit. We are not talking about something that spends money. This reduces the budget deficit over 10 years by nearly \$500 million.

We fund this, in large part, with a small \$10 fee from the visa waiver countries in which visitors are traveling to our country. As I have described, Australia has a \$37 departure fee; Guatemala, \$30; the Philippines, \$15; United Kingdom, \$80 to \$160. The fact is, this goes on all around the world. We are proposing a very modest fee on visitors from visa waiver countries.

Newspapers all across this country have supported this. Dallas Morning News: The Travel Promotion Act is a sensible first step toward putting the welcome mat back on America's doorstep.

The Detroit Free Press: Doesn't it make sense to encourage, at no cost to taxpayers, foreign visitors to come

here and leave us some of their money? There is no good reason not to pass this bill.

The Los Angeles Times: Considering that the U.S. spends hundreds of millions of dollars on public diplomacy with dubious results, and nearly nothing promoting tourism, we might do well to invest a little money in wooing travelers.

The Sacramento Bee: This country needs to reclaim its status as a global magnet for visitors, even in the post-9/11 climate. And Congress could help by passing the Travel Promotion Act by the end of this year.

This ought to be something that we bring up and almost pass by unanimous consent. Guess what kind of a tortured journey this bill has been on. First and foremost, the bill is reported to the floor—and you have got to have a motion to proceed. You cannot just bring it to the floor. If someone insists, no, no, you have got to have a debate and then a vote on whether you should even proceed to the bill.

So we did. Not because we should have had to do that, just because someone said: You know what, we are going to decide to be a human set of brake pads and slow down everything that happens in the Senate and prevent anybody from getting anything done.

So on a travel bill, the Travel Promotion Act, that actually reduces the Federal budget deficit and tries to attract international visitors to our country, which would be a good thing—there is a lot here to see and experience, and almost everyone who leaves after visiting the United States of America has an unbelievably good opinion of what we are about. This is a great country, yes, with a lot of attractions, but a country whose culture and character is something we need to exhibit to everybody in this world to say: Here is who we are. Here is what America is about. Here is the grand idea that is the most successful democracy in history. Come here. Visit here. Become a part of what we are experiencing on your international travels.

We are not doing that now. But we suggest we should. The bill that is broadly bipartisan to do that is to be brought to the floor of the Senate. We are told: No, you cannot do that. First you must have a debate, and then a vote on the motion to proceed.

So we have to file what is called a cloture petition, which takes 2 days to ripen. You lose 2 days. Then we have a vote. And the vote is 90 to 3 in favor of it. The implication there is we should not have had to have a vote and waste a couple of days. But we did.

Then, after the cloture vote, 90 to 3, we were told: No, you cannot go to the bill yet, there is 30 hours postcloture, and we insist on burning all 30 hours postcloture.

We had 2 days for the cloture petition, then a 90-to-3 vote, then we had 30 hours wasted time postcloture. Why? Because someone insisted upon it. And so now all of a sudden we are on the bill.

Well, last Thursday and Friday, I worked, Senator REID worked, and many others worked to see, all right, we are on the bill. Now can we figure out what kind of amendments are going to be offered.

We had a discussion over there in the middle of the aisle with Senators MCCONNELL, REID, MARTINEZ, and others. We agreed we would begin with amendments on each side. Perhaps we started with three and two, then we said five amendments on the Republican side and three amendments here at least to start the process.

Can you give us a list of your amendments? We got a list of the amendments, five amendments on what is called the TARP program, the Troubled Asset Relief Program, having nothing at all to do with this bill. We said: That is fine. Okay. You want to have five debates and votes on TARP. Okay.

Here are our three amendments, two of which had to do with the studies. The other was an amendment by Senator SANDERS that said to the Commodity Futures Trading Commission that we want them to use all of the authority they now have, plus any emergency authority, use the authority you now have to start finding a way to shine the light on these unbelievable speculators who are running up the price of gasoline. Not a very controversial amendment. It does not give the CFTC any new authority. It deals with the question of the runup in the price of gasoline. It does not give anyone any new authority. But the Republican side said: Nope, we are not going to allow you to offer that amendment. We are going to tell you which amendments we intend to offer. We said, okay, that is fine, whatever amendments you have, God bless you, go ahead and offer them.

But they say, but you cannot describe to us a set of amendments, three, five to three, and if the three includes an amendment to try to see if you can shut down some of the excess speculation using the authority that the Commodity Futures Trading Commission now has, we are not willing to do that.

Most people would listen to all of this and say, it is the same old thing. Nobody can agree on anything. But, you know, in every circumstance where there is disagreement, there has to be someone who is holding out. Right? We come to the floor today without an agreement on amendments, so the majority leader had to file a cloture petition. We have a cloture vote at 5:30 today.

This Congress cannot even agree on tourism, for God's sake. Unbelievable to me. How dysfunctional can a legislative body become? You cannot agree on tourism.

But let me at least talk for a minute, before I talk about the importance now of having a cloture vote and requiring to have a cloture vote on this, let me talk about what the other side objects

to with an amendment that my colleague wants to offer. I agree that the amendment does not relate to the bill, but their first five amendments had nothing to do with the bill either. So why should the minority be telling the majority what kind of amendments they can offer?

But here is the amendment. People remember when the price of oil went from about \$40 up to \$147 a barrel in day trading; went up like a Roman candle, then came right back down. The same hotshots, the same speculators, who made a fortune pushing up the price of oil, made a fortune on the upside, the same folks made a fortune on the downside. The victims are the people who drive up to the gas pump having to pay \$4, \$4.50 for gasoline.

Let me show you what has happened. The Commodity Futures Trading Commission—I mean nobody knows what that is much outside of Washington, DC, CFTC. We have all of these acronyms. Well, it is a group of people who have done their level best imitation of a potted plant for a long time. They decided to do very little in areas where much was needed.

The oil futures market is a very important market. You need to hedge, we understand that. The futures market is established for a very specific reason, and it is an important market. But speculators have broken the back of that market. Here is what happened. Thirty-seven percent of the trades in the oil futures market were by speculators in 2000. Now it is 80 percent. That is what caused the price of oil to go up to \$147 a barrel. They were speculating on the way up; they turned it and were speculating on the way down and made money on both sides.

Before I show what has happened to the price of oil now—by the way, it is starting again. Demand is down because of the recession, and the supply of oil is up, and the price is going up.

What does that tell you? It tells you the same shenanigans are going on. And the CFTC, which is supposed to be our agency, that is the referee with the striped shirt and the whistle, supposed to be watching what is going on and taking action to shut some of it down, once again, not much going on. Senator SANDERS says: We ought to ask them, at least ask them, to use all of their authority to shut it down.

We have a government agency called the EIA, Environmental Information Administration. It costs about \$100 million a year, actually over \$100 million a year. Their job is to know everything there is to know about energy, and to make the best estimates they can make. I want to show a chart that shows the runup to the \$147 a barrel for oil.

This chart shows 2007–2008. The yellow line is the estimates by our agency, the EIA, saying: Here is where we think the price of oil is going. Each yellow line—this, for example, is January 2008. They said: Here is where we think the price of oil is headed. March

2008: Here is where we think it is headed. Of course, this was the price.

One would ask the question, and reasonably so: Who are these best informed people at EIA who are supposed to give us an estimate of what is going on? Well, what is going on now? What we see now is an EIA projection made in January of this year, the yellow line.

The EIA says: Here is where we think oil is going to go now. But, of course, anybody who drives a car and has stopped at a gas pump recently understands what is happening to the price of oil. The price of oil is something now over \$70 a barrel, on the march from \$37 a barrel. That is happening at a time when demand is down and supply is up.

I taught economics in college ever so briefly. But the supply-demand curve is something you can learn the first day. When supply is up and demand is down, price is not supposed to go up. If it is going up, there is something wrong. There is something happening. And that is what is happening now.

Where will it go? Will it go to \$90? I notice one of our big investment banks thought it would go to \$90. I would love, if I had subpoena capability, to find the position that investment bank was holding in oil futures as they made that announcement. But that is an aside for another day.

The question is: Is it reasonable to have an amendment by Senator SANDERS to say: We want the Commodity Futures Trading Commission to use all of their authority to try to understand what is going on? The other side says: Absolutely not. We do not intend to allow you to offer that amendment.

I mean, I do not understand why. Whose interests would they be supporting or protecting? The speculators? Big investment banks? Those who are holding oil offshore in ships? Those investment banks that actually have bought oil storage for the first time in history to take oil out of supply and store it, and wait as the price goes up and make money? Is that whose interests are at stake here?

Let me come back to the point I was making. We tried very hard Thursday and Friday to reach an agreement on amendments on both sides. We said: Absolutely. You want amendments. You want all five amendments on the TARP program? It has nothing to do with the bill. By all means, feel free. Start offering. We are ready. And the other side said: Well, you give us all we want, but we do not intend to agree to much of anything you want, kind of a one-way agreement that they would have known was destined to fail.

Again, I do not understand how we have gotten to a point on a piece of legislation that should be so non-controversial, sufficient so that with a 90-to-3 vote on the motion to proceed, it is brought to the floor of the Senate, a bill that had over 50 cosponsors last year here in the Senate, a bill that deals with travel and promotion of travel and tourism, that we now have this unbelievable impasse.

We had to have 2 days with a cloture motion on a motion to proceed that passed 90 to 3 and then have 30 hours postcloture. Then we were going on this merry-go-round last Thursday and Friday with an absurd proposition that the minority wants to decide what amendments the majority can have, despite the fact that the majority says: You can have whatever amendments you want. They must have missed the last couple of elections. They apparently think they run the Senate.

What runs the Senate is consensus—consensus by people who care about getting things done on important issues. If you cannot do something on tourism, how on Earth are you going to do something on health care and energy and climate change and a lot of things that matter a lot about this country and the future? If you cannot do a tourism bill, what can you do? It is pretty unbelievable to me.

I know we can have people come and explain, even until they are completely out of breath, why they object to everything. I just described: Senate GOP still saying no. Democrats need to know when bills are coming up, we are going to extend the debate as long as we can—on and on and on.

How about just picking out one or two little issues—one or two issues—that would advance the country's interests and say: Do you know what, on this issue we will just park the politics at home. We have to leave the politics back in the office. We will come to the floor and say: What is good for the country?

I will tell you what is good for the country here on this issue; that is, in a very troubled world, where a lot of people have looked askance at this country and we have gotten some bad reputation around here and there—and some bad information about America—I will tell you what is good: to have people come to this country and just be around for a bit and experience this great country of ours and understand when they hit our shores this is a citadel of freedom. You can do everything you want.

This is an unbelievable place, and we need people in the world to understand it and to understand especially this: You are welcome to come here. We want you here. We want you to come and see and sample and understand what America is about. That is what this bill is. If we cannot even agree on that, how on Earth will we agree on the big issues of the day?

We will have a cloture vote at 5:30. My guess is, the minority will say: We believe this vote needs to be a leadership vote. All of you have to vote against cloture because we haven't offered the first amendment. Do you know why you have not offered the first amendment? Because you would not agree on anything. We tried Thursday. We tried Friday. You would not agree on anything. We agreed on all your amendments, and you would not agree on a thing. So here we are—I and

my Democratic and Republican cosponsors on this bill we have worked on now for 2 years—coming now to a cloture vote in which some will say to others: You can't vote for cloture because we haven't had any amendments.

I hope perhaps between now—10 to 4 o'clock—and 5:30, if there are well-meaning people in this Chamber who really wish to make progress for our country, we could have an agreement on amendments and then just go forward. Let's do that.

I was there when Senator REID said to the minority leader: Look, let's just at least start. We do not have to have a whole list of all the amendments. Let's just start. If you want the first five amendments—whatever it is you want—bring them on. We will have the amendments. And we will give you three of ours. Let's just start the process.

We could not even get that done Thursday and Friday.

The American people deserve better than that from all of us. They deserve a Senate that works. And if the Senate cannot work on bipartisan legislation dealing with tourism, can you name a subject where it will work?

My hope is that in the next hour and a half, perhaps some will come to the floor who have the interest and the ability to reach an agreement, so we can begin the amendment process and finish the bill this week. We can do that. We should not defeat this cloture motion. In fact, we should vitiate the motion—if we could get the leadership of the other side to come to the floor and say: We agree with what you proposed last week.

Let's start. Let's start now. Let's have some amendments tonight and have some votes. We can do that.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

COLOMBIA FREE TRADE AGREEMENT

Mr. KYL. Mr. President, next week President Uribe of Colombia will be meeting with President Obama at the White House. I hope this meeting will serve as an opportunity to get the Colombia Free Trade Agreement back on track.

I support the Colombia Free Trade Agreement because of its importance to Colombia but also because I think it is important for U.S. firms to gain access to the markets of fast-growing developing nations abroad. Our economy will revive only if we create jobs. Enacting this Colombia Free Trade Agreement will help to do that.

America's two-way trade with Colombia reached \$18 billion in 2007, making Colombia our fourth largest trading partner in Latin America and our largest export market for U.S. agricultural products in South America.

Exports are the only major sector of the private economy actually making positive contributions to U.S. economic growth. In my own State of Arizona, nearly 80 percent of all of our manufactured goods were exported. On

average, net exports added more than 1 percentage point overall to our economic growth last year, in part offsetting the negative consequences of the housing downturn. So if U.S. manufacturers and farmers were not able to sell their products abroad, the current economic downturn would be much worse.

Enacting the Colombia Free Trade Agreement would help more than 10,000 U.S. companies that export to Colombia, 8,500 of which are small and medium-sized firms, by opening a significant new export market.

America's market is already open to imports from Colombia. In 2008, for example, over 90 percent of U.S. imports from Colombia entered the United States duty free under our most-favored-nation tariff rates and various preference programs, such as the Andean Trade Preference Act and the Generalized System of Preferences. However, more than 97 percent of U.S. exports to Colombia are subject to duties that range from 14 to 50 percent. Once the agreement is approved, over 80 percent of U.S. consumer and industrial exports to Colombia will enter duty free. So each day Congress does not approve the Colombia free-trade deal, the U.S. exporters pay \$2 million in unnecessary tariffs.

Let me review very briefly the events of the past 2 years to understand the current state of affairs.

On May 10, 2007, Democrats and Republicans agreed to a framework that modifies future trade agreements to include provisions improving labor and environmental standards in order to move the Peru, Colombia, and South Korea free-trade agreements.

After the Peru Trade Promotion Agreement was signed into law in December 2007, Democrats broke the deal with us in order to extract more concessions. This time, they said that in exchange for passing the Colombia Free Trade Agreement, the Bush administration would need to accept an expansion of TAA benefits by increasing the refundability of the health care tax credit from 65 to 80 percent, expanding the TAA eligibility to service workers, and doubling the mandatory funding for worker retraining from \$220 to \$440 million.

When the Bush administration tried to jump-start the process last year by introducing the Colombia Free Trade Agreement, Speaker PELOSI responded by unilaterally rescinding Colombia's fast-track authority, essentially killing any chance of moving the agreement.

We missed another opportunity to enact the Colombia Free Trade Agreement on the stimulus bill. Although the majority did find room to enact a multibillion-dollar trade adjustment assistance expansion—that is what TAA stands for—which was considered a prerequisite to any additional free-trade agreement, now that it is the law, we are not moving forward on the Colombia Free Trade Agreement.

Interestingly, the President's budget would permanently extend trade ad-

justment assistance at a cost of \$4.6 billion over 10 years. But it does not include one dollar to implement any of the pending trade agreements such as those with Colombia, Panama, or South Korea.

I urge my colleagues to use President Uribe's visit as an opportunity to move forward and renew this Nation's commitment to trade not only to assist an important American ally that needs our help but to enact a true stimulus bill that will promote American manufacturing exports and create badly needed jobs. I ask that we get our staffs to begin working together to develop a plan to ensure passage of the Colombia Free Trade Agreement.

Finally, let me respond briefly to Democrats' charges that Colombia has not done enough to protect human rights. The Colombian Government has demobilized and brought to justice over 31,000 members from 35 paramilitary groups, principally from the AUC or the United Self-Defense Forces of Colombia. In addition, more than 10,500 members of the far-left insurgent groups FARC, the Revolutionary Armed Forces of Colombia, and ELN, which is the National Liberation Army, have chosen to demobilize, individually leaving their units and turning themselves in to Colombian authorities. The Colombian Government is also providing protection to over 10,600 individuals. The largest protection program is run by the Ministry of Interior and Justice and provides protection to more than 9,400 individuals, including 1,900 trade union members. Of the program's \$39.5 million budget, one-third—over \$13 million—goes to protect trade unionists. As a result, President Uribe has improved the security situation in Colombia dramatically. Kidnappings are down by 83 percent, terror attacks are down by 76 percent, homicides have decreased by 40 percent, and homicides against trade unionists have dropped by twice as much—over 80 percent.

This is important progress by the Government of Colombia. It is an important ally of the United States. It deserves our support. And, as importantly, exporters in the United States deserve congressional support, enabling them to export their products without the kinds of barriers that currently exist.

The trade agreement is in our best interest, and I hope my colleagues will insist that very soon we get the Colombia Free Trade Agreement back on track so this important legislation can pass the Congress, be signed into law, and begin to help our economy generate jobs and stimulate economic growth. It is an important agreement that has languished far too long, and we need to get it moving again.

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

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

The bill clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. McCONNELL. Madam President, as the debate over health care reform continues, a number of different approaches have now emerged. But one thing unites us: All of us agree health care reform is needed. The question is, what kind of reform—a reform that cuts costs and expands access or a so-called reform that leads to a government takeover where premiums are increased but health care is delayed, denied, and rationed? The American people want reform, but they want reform that allows them to keep their current insurance while preserving the freedoms, choices, and quality of care they now enjoy. That is why Republicans have proposed a series of reforms to lower costs and improve access, without—without—destroying what people like about our current health care system.

As it turns out, President Obama has said he is open to some of the ideas Republicans have put forward, such as the need to reform our medical liability laws to discourage junk lawsuits and the need to encourage wellness and prevention programs that have proven to be effective in cutting costs and improving care. In fact, during a speech last week to the American Medical Association, the President discussed one particular wellness and prevention program at the Safeway supermarket chain, which has dramatically cut that company's health care costs and employee premiums. The President even said he would be open to helping businesses across the Nation adopt wellness and prevention programs such as the Safeway plan. Yet the bill the Democrats are trying to rush through the Senate would actually ban this program from being copied and implemented by other companies. That makes absolutely no sense.

All last week, we heard eye-popping cost estimates for health care proposals coming out of Capitol Hill—proposals that wouldn't even solve the entire problem but would bury us deeper and deeper in debt. If the goal is to decrease costs, why wouldn't Democrats in Congress support a plan we know has been effective in doing so—especially if the President himself supports it? One would think this would be an easy bipartisan feature of any Democratic plan.

According to Safeway CEO Steve Burd, Safeway's per capita health care costs have remained flat even as the per capita health care costs of most American companies have increased by nearly 30 percent since Safeway implemented its wellness and prevention plan back in 2005.

Safeway's plan has also reduced the health care costs for employees and their families by offering incentives for

workers who adopt healthier lifestyles. Those employees who choose to participate in the plan are tested for tobacco usage, for a healthy weight, and for their blood pressure and cholesterol levels. Employees who pass these tests are given discounts on their premiums.

For example, if employees pass all four tests, their annual premiums are reduced by \$780 for individuals and \$1,560 for families. If employees miss their goals the first time, the company provides support for improvement and financial incentives for those who make progress.

All of this makes health care more affordable, and it also helps to improve the health and quality of life of Safeway's workers. The company's obesity and smoking rates are now about 70 percent of the national average, and employees like the plan so much that 76 percent of them want more incentives that reward healthy behavior.

Safeway executives estimate if the United States had adopted its approach in 2005—4 years ago—the country's direct health care bill would be \$550 billion less than it is now—if we had simply adopted the Safeway approach 4 years ago.

The Safeway program has proven so successful that the company wants to increase its incentives for rewarding healthy behavior. Unfortunately, current laws restrict it from doing so, but instead of offering legislation that corrects the problem, the so-called reform bill being pushed through the HELP Committee would do the opposite. It would actually prohibit companies from implementing the Safeway program.

Let me repeat that: The bill that is currently being pushed through the HELP Committee doesn't let companies consider an employee's health status when providing insurance—meaning employers would be banned from rewarding healthy behavior as Safeway does and offering lower premiums to workers who manage their chronic diseases, eliminate high-risk behaviors such as smoking, or lose weight. In other words, it would prohibit companies from implementing programs that have been proven to cut health care costs. I thought that was the point of health care reform.

When it comes to making health care more affordable, we should all support ideas that work. Americans want health care ideas that cut costs and improve care. The Safeway model is an excellent place to start. The President supports it, Republicans support it, and Safeway's experience has shown that it works. If Democrats in Congress are serious about making health care more affordable, they should support it too. Instead of the rush-and-spend approach that has led to a chaotic process and hugely expensive health care proposals that don't even address the whole problem, Democrats should slow down and consider ideas that have been shown to not only be effective in delivering care but also effective in reducing costs.

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. ALEXANDER. 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. ALEXANDER. Madam President, in about an hour, we will be asked to vote on whether the Senate can continue to do what the Senate is supposed to do and that is to amend and debate. When I ran for the Senate, the people of Tennessee sent me up here to represent them. They expected that when I got here, I would have a chance to say what I had to say on their behalf, and sometimes what I think may not be so important but what they think is important. The people of Tennessee know the history of the Senate—as Senator BYRD has so often said—is distinguished only by a couple things. One is virtually an unlimited right to amend, and another is a virtually unlimited right to debate.

What is going to happen at 5:30 is we are going to be asked to vote to cut off amendments and cut off debate. A vote of yes will be a vote to obstruct our right to amend, obstruct our right to debate and to make it impossible for me to represent the people of Tennessee, who voted for me with the idea that I might be able to do that.

Let me explain a little more what I mean by that. A great many people write books about America, but unquestionably I think the best regarded such book is a book by Alexis de Tocqueville, entitled "Democracy in America." When the young Frenchman came to this country, he ran across Davy Crockett and all sorts of people. When he wrote about what he thought might be, in the long term, the greatest danger to the American democracy, he said he thought it might be the "tyranny of the majority." He was afraid that in our type of system, what might happen is that the majority would get control and run over the minority.

The Senate was one of the institutions created to avoid that. So when we get a situation where we have only 40 or 41 Republican Senators and 57 or 58 or 56 or more Democratic Senators, the minority always has a right to make sure there is no tyranny of the majority. It has been the other way and it will be again; when I first came here the Republicans held the majority, and we had 55 Republicans at one point. So a vote of yes at 5:30 is a vote to obstruct the right of Senators to represent the people who hired them to come and offer amendments and speak for them.

Ironically, this vote will give the majority the right to suppress a majority view—because what is the issue that is attempting to be suppressed? The issue is whether we ought to get the government in Washington out of the automobile business. I think most people in

the country are thinking we are having too many Washington takeovers. That is not the American way. We know we have had trouble in this country economically, but taking over banks, insurance companies, student loans, car companies, and now maybe taking over health care—the American people don't like that.

We have a series of amendments to be offered—both Republican and some with bipartisan support—which would say: Let's get the government out of the automobile business and put it back in the hands of the American people and the free enterprise system of America. That is a majority view in this country.

According to an AutoPacific Survey in the Nashville Tennessean, 81 percent of Americans polled agree that the faster the government gets out of the automotive business the better; 95 percent disagreed that the government is a good overseer of corporations, such as General Motors and Chrysler; 93 percent disagree that having the government in charge of General Motors and Chrysler will result in cars and trucks Americans want to buy. Most Americans don't want a car that a United States Senator engineered, designed, and sold. That is not what we are here for. They know better than that.

According to a Rasmussen Poll of June 13 and 14, 80 percent of those polled believe the government should sell the government stake in the auto companies to private investors "as soon as possible." And 71 percent of those polled believe the government should sell their stake to private investors as soon as possible.

According to the Wall Street Journal on June 18, nearly 70 percent of those surveyed said they had concerns about Federal intervention into the economy, including the President's decision to take an ownership interest in General Motors, put limits on executive compensation, and the prospect of more government involvement in health care. We have a situation where the President is calling the mayor of Detroit to get into the question of whether the headquarters of General Motors is going to be there or in Warren, MI. We have the chairman of the House bailout committee—the House Financial Services Committee—calling the president of General Motors saying: Don't close the warehouse in my district. And all of us in Congress are saying: Please build a car in my district. We will have some Congressmen saying: Don't buy a battery from South Korea; buy one made in my district. We have automobile company executives driving to Washington in their congressionally approved hybrid cars to spend 4 hours testifying and then drive home. How many cars do they design, build, and make while doing this? The American people know the car companies cannot compete if they have 435 congressional political meddlers, 100 senators, plus a whole administration, trying to tell them how to compete in a very complex business.

Senator BENNETT of Utah and I, cosponsored by the Republican leader, Senator KYL, and others, have a bill called the Auto Stock for Every Taxpayer Act. We would like to offer it as an amendment this week and get a vote on it. The Auto Stock for every Taxpayer amendment would say that the Treasury can't use any more TARP funds to bail out General Motors or Chrysler. Also, while the government owns stock in these companies, the Secretary of the Treasury, or his designee, has a fiduciary responsibility to the taxpayer to maximize returns on that investment. And most importantly, our amendment says that within a year after General Motors comes out of bankruptcy, the government should distribute its stock to the 120 million Americans who pay taxes on April 15.

In other words, let's have a big stock distribution, the same way Procter & Gamble did when it distributed stock in Clorox or the same way other companies do every year. We have a core business, the car company, that has nothing to do with the owner, the United States government, and we should give the car company to the owners—the 120 million people who pay taxes. That is what we should do. And the rationale is: I paid for it, I should own it. That is the first amendment we want to offer.

Senator CORKER, with a couple of cosponsors, including Senator WARNER from the other side of the aisle, has another idea, which I am glad to support. It is a little different approach to the same idea. He would create a limited-liability corporation to manage the government ownership stake in companies in which the government owns at least 20 percent. By the fall of this year that will probably include AIG, Citigroup, and General Motors. The government's assets would be placed in a trust and managed by three independent, nonpolitical trustees. The trustees would have to liquidate the government's interest by December 24, 2011. And there is a waiver process in case the trustees think there is a problem with that deadline.

That is a responsible, interesting approach. Why shouldn't Senator CORKER and Senator WARNER have a chance to offer that amendment? That is what the majority of people in America would like to see done.

Senator JOHANNIS, a distinguished former Governor of Nebraska, has his Free Enterprise Act of 2009. He has 29 cosponsors. He would like to require congressional approval before the Federal Government can use TARP funds to acquire ownership of an entity through stock.

Senator THUNE, a member of the Republican leadership, has the Government Ownership Exit Plan Act of 2009. He would require the Treasury to sell any ownership of a private entity by July 1, 2010, and prohibit the government from acquiring any additional ownership stake in private companies.

Well, I think you can get the drift, Madam President. We have a number of Senators, mostly from this side but some cosponsored from the other side, who say that the American people are tired of Washington takeovers. They know cars aren't going to get better in this country if the government is meddling with them and designing them and building them and making them. I can just imagine what we will have if we meddle. We will have a purple polka dot car that gets 50 miles per gallon and will have a windmill on top and a solar panel on the side, and it will have this part made in this Congressman's district and that part made in that Senator's State, and it probably won't run 5 miles. Then we will lower the price to get people to buy it, all the while losing money, losing competition, and putting real competitors out of business. And then we will have no American automobile industry left. So we need to get the government out of the car business and stop the Washington takeover. And over 80 percent of the American people agree.

So what are we doing in the Senate? We are going to vote at 5:30 to say: No, Senators. No, Senator CORKER. No, Senator WARNER. No, Senator ALEXANDER. No, Senator BENNETT. We are going to say no to the other Senators, you can't continue to debate. You can't continue to offer your amendments. We are going to obstruct your right to do that. We are going to keep you from representing the people of Tennessee, the people of Utah, or the other people you were sent here to represent. We are going to stop the debate; stop the amendment.

That is the tyranny of the majority that Alexis de Tocqueville envisioned. That is not the way the Senate has been running this year. This year in the Senate, Senator REID has made a good-faith effort, and Republican Senators appreciate that, in saying we are going to have some amendments. That means we are going to have some amendments offered on which some of us don't really want to vote. There have been some amendments I really didn't want to vote on, including some offered by people on my side of the aisle, but that is what we do in the Senate. So why are we doing this? Why are we saying suddenly, no amendments?

So I would hope Senators would agree that at 5:30 we should vote no. We should vote no. And by voting no, we would be saying: Let's continue to debate. Let's continue to amend. A vote yes is a vote to obstruct. A vote no is to continue to debate and continue to amend. And the issue is, shall we take the government ownership of automobile companies and put it, as soon as it is practicable, back in the hands of the American people, where it belongs, in our free enterprise system? That is the American way.

We have at least four different options. We have a whole menu here. If you don't like the Alexander-Bennet

amendment, vote for the Corker amendment. If you don't like that, vote for one of the other amendments. We have four ways to go about it, all carefully thought out, all in front of everybody. Why don't we do that? That is what the Senate does.

So I prefer the way the Senate has operated pretty much all the time, up to today, which is to say: Senators, offer your amendments, take your votes. Today is an aberration—a change away from the way the Senate should function. My old friend, the late Alex Haley, author of *Roots*, used to say: Find the good and praise it. Well, I can find plenty of good in the way the majority leader has conducted the Senate this year by allowing debate and amendments. I would consider this an aberration.

I hope we will vote to continue to amend, to continue to debate, and get the Senate back to the practice we had most of this year, which is to say: If you have an amendment, Senator, bring it on over, call it up, and we will vote on it, and then we will go on to the next thing.

Madam President, I ask unanimous consent to have printed in the *RECORD* an article from the *American Spectator* entitled "Are There Obamashares in Your Future?"

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

ARE THERE OBAMASHARES IN YOUR FUTURE?

(By Peter Hannaford)

As they were steering General Motors into bankruptcy at early this month, the President Goodwrench team arranged for the United Auto Workers' pension fund to get 30 percent of the stock when the "new" company comes out at the other end. Bond holders will get 10 percent and the U.S. Government will keep 60 percent for itself.

If the "new" GM becomes profitable it may eventually pay back the \$50 billion the government has advanced to it, but the term "government ownership" lacks the ring of legitimacy that "taxpayer ownership" has.

U.S. Senator Lamar Alexander (R-T) wants to do something about that. He is the lead sponsor for the Auto Stock for Every Taxpayer bill which would distribute the government's stock in GM (and Chrysler, too) to the 120 million Americans who paid income taxes on April 15. He says, "That is the fastest way to get ownership of the auto companies out of the hands of meddling Washington politicians and back into the hands of Americans in the market place."

This is no voice in the wilderness. A recent AutoPacific poll reports that 81 percent of Americans agreed that "the faster the government gets out of the automotive business, the better." Conversely, 95 percent of those polled disagreed with the statement, "... the government is a good overseer of corporations such as General Motors and Chrysler." And 93 percent disagreed that "having the government in charge [of the two automakers] will result in cars and trucks that Americans will want to buy." So much for the flimsy cars with which President Goodwrench wants to fill the market.

To make sure his proposal to put automaker stock in the hands of actual taxpayers gets the attention it deserves, Sen. Alexander the other day began a program to draw attention to the downsides of Wash-

ington management of auto companies. He introduced on the floor of the Senate his "Car Czar" awards. As he put it, "It's a service to taxpayers from America's new automotive headquarters, Washington, D.C."

The Car Czar awards, he adds, "... will be conferred on Washington meddlers who make it harder for the auto companies your government owns to compete in the world marketplace." The first award went to Rep. Barney Frank (D-MA) "for interfering in the operation of General Motors."

Rep. Frank is Chairman of the House Financial Services Committee, well known for his oft-denied roll in pressuring Fannie Mae and Freddie Mac to push banks to make risky home loans.

Two weeks ago, it turns out, Mr. Frank learned that General Motors, as part of its restructuring plan, would close a parts distribution warehouse in Norton, Massachusetts by year's end. Despite the President Goodwrench team's constant pressing of GM to cut more and more, anything in Barney Frank's district is out of bounds if he has anything to say about it, and he did. He put in a call to GM CEO Frederick "Fritz" Henderson and—voilà—the Norton warehouse was saved. This warehouse has 90 employees. We can assume that they and their spouses will show their gratitude to Mr. Frank at the polls in November next year. That's 180 votes. He should really think in larger terms. If he were to sponsor a House version of Sen. Alexander's Auto Stock for Every Taxpayer legislation, think of the thousands of grateful citizens in his district who would support him. Indeed, they might even demand that the local federal building be named after him.

Mr. ALEXANDER. 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 legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Madam President, I appreciate the comments of the Senator from Tennessee. I don't know how the vote will come out at 5:30 today, but I do know it is almost unanimous—perhaps it is unanimous on this side and the other side of the aisle—that we all want the auto industry to return wholly to the private sector; that this was an extraordinary situation.

I represent, as the Senator from Tennessee represents, a lot of auto-workers—in his case, union and non-union alike. I have a good many non-union autoworkers in my State—union and nonunion alike—and I think all those companies—certainly GM and Chrysler workers and people in the community—want this industry back on its feet and want it run by the private investors, as it should be.

CUYAHOGA RIVER

Madam President, today marks the 40th anniversary the Cuyahoga River in Cleveland burned. The June 22, 1969, fire wasn't the first or the biggest on the Cuyahoga or in rivers all over the country in those days when rivers were full of chemicals and all kinds of discharge that could catch fire from a

spark from a railroad train passing through or from something else passing over the river. But 40 years ago, that fire in the Cuyahoga River was a catalyst that helped create the Environmental Protection Agency and then the landmark Clean Water Act. The fire helped push the government to recognize its responsibility to safeguard our environment. When the EPA was established in July of 1970—as I said, in large part the impetus came from that fire on the Cuyahoga in 1969—it marked a sustained effort by citizens to demand that their government protect our health and sustain our environment. Like so many times throughout our Nation's history, citizen activism served as a vehicle for change.

Prior to that fire in 1969—I was born in 1952—I remember as a small child and as a teenager going 60 miles north of where I grew up to the shores of Lake Erie and seeing dead fish along the lake and seeing what was left of a wonderful living lake—one of the Great Lakes. The greatest natural resources of this country are the five Great Lakes. I remember seeing the pollution and the damage that came from the effluent that human beings, that individuals and farmers and industry dumped into that lake and its rivers over many, many years.

Galvanized by Rachel Carson's 1962 "Silent Spring," the environmental movement engaged the public and educated elected officials and industry leaders about threats to human safety and environmental sustainability. That citizen call to action spurred decades worth of environmental laws that have improved our quality of life and improved the health of our Nation's streams, lakes, and rivers.

When the Clean Water Act was passed in 1972, only about 30 percent of the Nation's waters were safe for fishing and swimming. Think about that. In 1972, fewer than a third of the Nation's waters were safe for fishing and swimming. Two decades later, the EPA reported that 56 percent of rivers and lakes meet safety standards—much progress but clearly not nearly enough.

As a result of the Clean Water Act, thousands of communities around the Nation benefit from wastewater treatment plants, improved habitats, increased fish stocks, and safer recreational waters. Just as the health of our Nation's water has improved, so too has the river in my community—the Cuyahoga River.

The Cuyahoga, which is a Native-American word meaning "crooked river," winds through northeast Ohio. In fact, when you land at the Cleveland airport, you can see the river winding its way right through downtown Cleveland. So there are banks of the river through several miles as it goes into Cuyahoga County. It ultimately flows into Lake Erie in the city of Cleveland.

When scientists began studying the fish populations of the Cuyahoga, they found that only a few species were able to survive in the polluted waters. Many

of the fish that remained were deformed. But after years of hard work by the Cuyahoga River Community Planning Organization, by citizens, by industry leaders, and by government agencies, more than 60 different fishes species can now be found in the river.

That tells you what the efforts of government can do. It took more than a few activists in the city of Cleveland, it took more than the Cleveland city health department, it took more than the Cuyahoga County health department, it took more than the State EPA, it took a strong national government and the Environmental Protection Agency—created, if you remember, during the Presidency of Richard Nixon, with a Democratic Congress. Ultimately, the creation of the Environmental Protection Agency, giving the Federal Government the ability to come in, when necessary, and mandate that local officials and local industry do what is needed to clean the water, to clean the air, is a lesson we should all learn.

Today, as one of only 14 American Heritage Rivers, the Cuyahoga flows through the Cuyahoga National Park where bald eagles now nest. Throughout Ohio—something you would never have thought of happening 30 years ago—our clean and abundant water supplies, such as the Cuyahoga, are critical to farming, clean energy development, and to regional economic competitiveness. Water-related recreation and tourism provide jobs and billions of dollars in revenues for communities and cities such as Lorain, cities in Lake County, cities such as my wife's hometown of Ashtabula, and cities such as Toledo.

Wildlife depends on clean water and on healthy wetlands. The Cuyahoga will not burn anytime soon, but that doesn't really mean the hard work is complete. We must continue to protect our wetlands and our streams, to bolster our fisheries, to increase habitat restoration and recreational opportunities throughout the Great Lakes. It will mean the Federal Government will need to provide hundreds of millions of dollars of assistance for all five of the Great Lakes. It will mean billions of dollars of investment around the Great Lakes in recreation and fishing and in economic development and in safe drinking water. These efforts include reducing the number of combined sewage overflows into our waterways and removing the toxic sediments that were dumped in the rivers leading to the Great Lakes—the Maumee, the Cuyahoga, the Ashtabula, and others—before the Clean Water Act.

After years of hard work, the continuing restoration of the Cuyahoga is a symbol of progress and a symbol of success. The community restoration effort on the Cuyahoga is an indication of the undeniable importance of the EPA and the Clean Water Act. It is a testament to what can be accomplished when citizens and government join to tackle a problem.

In the communities that make up the Cuyahoga River watershed—among them Beachwood, Hudson, Euclid, Akron, and Barberton—2009 is the year of the Cuyahoga. But there is no reason we shouldn't dedicate every day to cleaner water in a more sustainable environment.

I commend the thousands of citizens who for more than 40 years worked to make the Cuyahoga a source of pride for our communities. Their collective efforts made their government recognize its role in protecting our health and preserving our environment. I am confident that 40 years from now, my grandchildren and generations of Ohioans will enjoy the clean waters of the Cuyahoga River and of Lake Erie.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, I rise today to draw attention to our efforts on the Tourism Promotion Act of 2009 and, specifically, to focus on my small State of Delaware.

Coming to Delaware, the "First State," one is treated to a myriad range of great tourist attractions from arts and culture, to sports and gaming, from marvelous recreation to dozens of fairs and festivals.

In the area of arts and culture, Delaware boasts such notable stops as the Nemours Gardens and mansion, the home of Alfred I. DuPont and the now world famous DuPont Children's Hospital.

Visitors can also tour the beautiful Bellevue State Park, the Delaware Art Museum, or even see a show at the DuPont Theater at the Hotel DuPont in Wilmington.

The State of Delaware, the first State to ratify the Constitution, also has significant historical sites for tourists to enjoy.

Visitors can view the birthplace of the DuPont Company at Delaware's Hagley Museum and Gardens. The luxurious, 100-room home of Henry Francis DuPont is also open to the public at Winterthur Museums and Gardens.

Since Delaware was one of the original 13 colonies, we are proud to boast several pre-Revolutionary War historical sites. The Amstel House and the John Dickinson Mansion and Plantation can offer visitors a rare insight into life before the Revolution.

Our Constitution Park offers a tribute to our ratification of the Constitution, made even more significant by the fact that Delaware was the first State to do so.

Civil War buffs can visit Fort Delaware, where Confederate prisoners of war were interned, while those interested in more contemporary military history can visit the Dover Air Force Base's Air Mobility Command Museum.

Delaware's sports and gaming opportunities are nearly limitless.

The Dover Downs Hotel and Casino combines luxury and entertainment for its guests. The Delaware Park Race

Track also offers excitement for its customers with slots and horse racing. NASCAR fans will love the Dover International Speedway, the famous "Monster Mile," where official NASCAR races are held several times each year.

Delaware may not boast any Major League sports teams but we are very proud of our Minor League baseball team, the Wilmington Blue Rocks.

Our Blue Rocks fans are some of the most loyal in the country and a night out to watch them play promises fun for the entire family. For golf enthusiasts who do not want to lose their skills while on vacation, Delaware has excellent golf courses where strokes can be refined and perfected.

Delaware's outdoor attractions are also world class. Killen's Pond, a State park since 1965, features a beautiful 66-acre millpond where visitors can enjoy boating and fishing.

Delaware's greatest strength in the outdoors realm, however, is our beautiful beaches. These beaches stretch for miles and offer ample opportunity for fun on the shore and ocean. If you get enough of sand and surf, the boardwalk presents a wide variety of shops, restaurants, and entertainment to visitors. Some of Delaware's best, and tax-free, shopping can be found on the boardwalk.

Our various fairs help celebrate who we are as Delawareans and also offer entertainment.

The Delaware State Fair features concerts, with famous artists alongside rising local bands. It also provides a carnival atmosphere and numerous agricultural and livestock events.

The Saint Anthony's Italian Festival, which Vice President BIDEN and I enjoyed just over a week ago, is a favorite among Delaware residents. Its food and entertainment always draws large crowds, and it is actually one of the largest ethnic festivals on the east coast.

Other ethnic festivals that Delaware celebrates include an African-American festival, an Indian festival, and a Greek festival, and many more.

In other words, something for just about everyone.

Those who enjoy theatrics can come to Delaware's Shakespeare Festival, where talented actors show their appreciation for Shakespeare by performing various scenes from his many plays.

The Rehoboth Beach Independent Film Festival offers movie lovers a chance to view excellent films that they wouldn't get a chance to see in theaters.

Delaware also boasts six wineries, including the award winning Nassau Valley, where visitors can enjoy excellent wine in a pleasant atmosphere.

So you can see Delaware is truly a place where folks from all across the country can come for fun and excitement in a "small but plentiful" tourist haven.

And I know that Delaware is not alone. All 50 States, and all the territories, offer something special, and I

believe we should do everything we can to spread that message.

That is why I am glad to be a cosponsor of the Tourism Promotion Act. Obviously, I hope it will help remind people across the world what Delaware can offer, but I believe it will help promote travel across the country.

We have heard the statistics. International travel is booming, 48 million more international trips last year than in 2000 but the United States is not sharing in that bounty. In fact, we lost travelers over that same time period.

An estimate I saw says that if we had merely kept pace with the expansion of international travel, we would have seen 58 million more travelers since 2000. That would mean nearly 250,000 more jobs.

In today's economy, we could sure use that help.

However, I cannot leave the floor without commenting on another great State for tourism; that is, the State of the Presiding Officer, the State of North Carolina. I spent this weekend in North Carolina. I encourage North Carolina to anyone who is looking for a wonderful place to go for a vacation.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, at 5:30 we will be having a cloture vote, and the cloture vote deals with the underlying legislation called the Travel Promotion Act. As I said earlier this afternoon, if the Congress cannot agree on something such as tourism, what is to become of the issues of health care, energy, climate change or so many other significant controversial issues that come before us?

This underlying bill is very simple. It is bipartisan. Over 50 Members of the Senate have cosponsored this bill in the last Congress. It actually reduces the Federal budget deficit by close to a half billion dollars. As I indicated, it should bear no controversy at all. It is simply the development of a public-private partnership that would begin to market our country, as most other countries are doing, in order to attract destination international tourism to our country.

All the other countries are doing this. If you watched the golf tournament today—the U.S. Open—in the middle of the golf tournament, they broke to a commercial. It was the country of Turkey saying: Come to Turkey. Come and visit the wonders of Turkey.

Well, good for Turkey. They are out trying to promote international tour-

ism. But the same is true with France and Italy and Japan and India and Great Britain—so many other countries.

Why are they doing that? They are doing it because it is unbelievably job creating to have international tourism come to your country. On average, an international tourist spends about \$4,500 on hotels and cars and tourist attractions and food. So it is unbelievably job creating and boosting to the economy of the host country.

But even more important than that, our country needs to do this. From 2000 to 2008, we now have 633,000 fewer visitors per year from overseas than we had 8 years ago.

Why is that the case? It is because some people believe we do not want them to visit our country. Quite the opposite is true. So we suggest, rather than to keep losing economic opportunities from international tourism, let's at least join the discussion and get in the game by promoting tourism to our country as a destination for international tourism. Let's at least get in the game.

So our bill creates this public-private partnership and establishes the capability to begin promoting our country. Why is that important? Well, obviously economic development and jobs. But even more important, at a time when there has been so much controversy about our country and actions abroad, and so on, to invite people to our country and have them come here and visit this country is to have them leave with a wonderful impression about the United States of America. There just is not any way to visit our country and leave with a bad attitude about what the United States is and what it means.

This is a great place, the greatest democracy in all of history, with unbelievable freedoms that many people in the world do not have. But it is a wonderful country, full of natural resources and wonderful people. To come here and visit is to leave and believe very positive things about our country. That, it seems to me, makes a lot of sense these days.

Madam President, a colleague was on the floor just a bit ago saying, well, he could not vote for cloture at 5:30 because he was not allowed to offer his TARP amendment. Of course, TARP has nothing to do with the underlying bill. We said that he could offer the amendment. The rules of the Senate allow somebody to offer a TARP amendment. He says, however, that the majority—that is us—is saying: We are going to obstruct your right to amend the bill.

This colleague must not have been around last Thursday and Friday when we were negotiating to try to get an agreement. Their side would offer the first five amendments. We said you can offer your first five amendments. All of them were so-called TARP amendments—the troubled asset relief program. Well, TARP amendments—hav-

ing nothing to do with tourism and travel, but that is fine. We said: OK, you can offer that.

So how is it somebody comes to the floor of the Senate now and says they are being obstructed? We said: You can offer them. But then what they said was: Well, we want five TARP amendments, and here are your three amendments. One of your three amendments is one by Senator SANDERS that we will not allow you to offer. We object to that.

What was the Sanders amendment? It was pretty simple. The Sanders amendment would require that the Commodity Futures Trading Commission use existing authority to begin trying to tackle this question of what is happening in the runup of oil prices. The Commodity Futures Trading Commission has acted like a potted plant for a long time. Oil prices went to \$147 a barrel in mid-2008. Yet, the CFTC was explaining to us: Well, that is just supply and demand.

That is total nonsense—total nonsense. It had nothing to do with supply and demand. It had to do with speculators breaking that oil futures market. So the CFTC did nothing about it.

Right now, the supply of oil is up; demand is down; and the price is going up. Once again, there is something wrong. So the Senator from Vermont wanted to offer an amendment. So I included it in the list of the amendments we would offer to the Republicans last Thursday and Friday, saying: OK, you want to offer five amendments that have nothing to do with the bill. That is fine. You can do that. Here are the three amendments we propose to start with.

They said: No, no, no. You cannot offer the Sanders amendment.

Wait a second. The minority is going to decide what the majority can offer? We have just said to the minority: You can offer your five TARP amendments that have nothing to do with this bill. That is fine. So now we have somebody coming to the floor this afternoon saying he has to vote against cloture because the majority says: We are going to obstruct your right to amend? Nothing could be further from the truth.

In fact, the decision by the minority has put us in this position. So apparently we will have people coming to the floor of the Senate with the belief that somebody obstructed their right to amend the bill. But the TARP amendments they proposed were agreed to by us, that we would allow them, they were fine to be offered. Everyone thought that was the case. We will have some people come to the floor apparently deciding to vote against cloture on this bill because they say somebody obstructed their right to amend. That is just totally without foundation. It is Byzantine to me that here we are in the Senate on a piece of legislation called the Travel Promotion Act, which is designed to promote tourism, to create jobs and to promote this country's interests. It is

widely bipartisan. It has been around now for 2½ years or so, with no great controversy I know of. We have before us a bill for which we were required to file cloture and wait 2 days for a cloture vote just on the motion to proceed to it. Once we got to the motion to proceed, we had a vote—and guess what. Ninety to three we said: Yes, let's proceed to it.

Then the minority said: And, oh, by the way, no, you can't proceed yet because we are going to insist on the 30 hours post-cloture. So you have to wait 30 more hours. Total, complete, thorough delay.

So it does not sit well with me for anybody to come here to say that somebody is being obstructed.

The PRESIDING OFFICER. The time controlled by the majority has expired.

Mr. DORGAN. Madam President, I ask unanimous consent that unless a member of the minority comes to claim time, that we be allowed to continue, I be allowed to continue. If a member of the minority does come to the Senate floor, I certainly would relinquish the time.

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

Mr. DORGAN. Madam President, it does not wash at all for somebody to suggest somehow they have to vote against cloture because they are denied their right.

Over in that aisle, on Thursday, we had a discussion—Senator REID, Senator McCONNELL, myself, Senator MARTINEZ—and then back and forth in the cloakrooms. We offered amendments back and forth just to get started on the bill. It was not a final list of amendments. It was just a way to try to get started. For all five of the amendments proposed to be offered by the minority, we said: Fine, they have nothing to do with the bill, but that is fine. If you want to offer them, offer them. But don't come to the floor on Monday saying the majority is obstructing your right to offer an amendment, which we said you could offer. How do you explain that contradiction?

Again, my point: If this Congress cannot even agree on tourism, how is it going to agree on anything. How are we going to make progress on health care? How are we going to make progress on comprehensive energy legislation or climate change or a range of difficult international situations? How are we going to reach some sort of understanding that we represent one interest in this country, and that ought to be the public interest in the United States of America?

We all work for the same people. Not everything has to be partisan. There is so much rancid partisanship these days. I was with the majority leader when we stood there. I understood what he was saying. He was saying to the minority: Let's get started. If you want amendments, fine, offer amendments. There was nothing but agreement by our majority leader to say to the Republicans, offer some amendments.

Give us some amendments you want to offer and then go ahead and offer them.

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

Mr. DORGAN. I am happy to yield.

Mr. SANDERS. Madam President, first, I thank my friend from North Dakota for his efforts on the very important issue of tourism but also for consistently standing up for consumers who are sick and tired of paying artificially high prices at the gas pumps. I wish to take this moment, if I might, to explain what my amendment is.

Mr. DORGAN. Madam President, rather than yield for a question, let me yield the floor so the Senator from Vermont can explain his amendment, and then reclaim the floor if there is not a Member of the minority present.

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

AMENDMENT NO. 1330

Mr. SANDERS. Madam President, I thank my friend.

Let me begin by saying this amendment enjoys widespread support from a very diverse coalition of organizations throughout this country that share the common concern that the price of gas and oil is soaring and they do not understand why. What they do know is that it is hurting consumers, especially in rural areas in North Dakota and Vermont and throughout this country, and it is hurting business groups throughout this country. These groups, among others, include the Petroleum Marketers Association of America, Public Citizen, the Gasoline and Automotive Service Dealers of America, the United Egg Producers, the Western Peanut Growers, Friends of the Earth, and the New England Fuel Institute. All of these organizations, for different reasons, are worried about the impact of rapidly rising oil prices on consumers.

All of us took economics 101, and what they told us in economics 101 is when supply is low and demand is high, prices go up. When supply is broad and demand is minimal, prices go down. Well, right now, unfortunately, it seems we can throw economics 101 right out the window, because at this moment the supply of oil in the United States is as high today as it was 20 years ago and demand for oil in this country is lower than it was a decade ago. So the question we are wrestling with now is: If supply is high and demand is low, why are oil prices soaring?

Up until today, as a matter of fact, gasoline prices increased for 54 straight days—the longest streak on record dating back to 1996. Today the national average for a gallon of gasoline is \$2.69 a gallon—up more than \$1 since late last year.

There is mounting evidence that the runup in oil and gas prices has little to do with the fundamentals of supply and demand and has everything to do with excessive speculation by some of the same Wall Street firms that received the largest taxpayer bailout in the his-

tory of the world. They are back again, not having caused enough damage by driving our country and much of the world into a deep recession. Now they are back into their speculation and driving up oil prices which are having an enormously negative impact on consumers all over our country.

Clearly, as a Congress, as a Senate, we have a responsibility to do everything we can to prevent the manipulation of oil and gas prices so that they reflect the basic economics supply and demand curve, not excessive speculation. This would not only help Americans struggling to fill up their gas tanks this summer, but it would have a positive impact, by the way, in expanding the number of international travelers visiting the United States, the fundamental purpose of the Travel Promotion Act that our amendment is a part of—would like to be a part of.

The amendment I am offering or wish to offer would simply require the Commodity Futures Trading Commission to use its emergency authority to prevent the manipulation of oil prices. What is so horrible about that? What has caused our Republican friends to jump up in fear and say this amendment can't be offered?

Let me mention to my Republican friends that last July the House of Representatives passed an identical bill by a vote of 402 to 19—the same bill. An overwhelming majority of Republicans in the House voted for that bill, but for some reason our Republican colleagues here do not want to give us the opportunity to vote for it today.

I thank Majority Leader REID and Senator DORGAN for trying to work out a compromise with the Republicans that would have enabled a vote on this amendment. Under this agreement, as Senator DORGAN has said, the Republicans would have been able to receive a vote on their top five nongermane amendments. They had five and we had one major nongermane amendment. It is very hard for me to understand—and maybe my friend from North Dakota has some thoughts on this one—I have a very hard time understanding what their fear is. What are they afraid of, if this amendment passes? Are they afraid we would be able to take action against the excessive speculation that is currently taking place on Wall Street?

That is the only answer I can think of, and it is a pretty poor and unfortunate answer. The American people are hurting. We are in a recession. People have lost their jobs. People have seen a decline in their income. The American people are sick and tired of paying artificially high prices at the gas pump, and people in New England are worried about what happens next winter when they have to heat their homes with oil.

I wish to mention in conclusion, interestingly enough, just yesterday—just yesterday—the Guardian, a British newspaper, reported:

Staff at Goldman Sachs can look forward to the biggest bonus payouts in the firm's

140-year history after a spectacular first half of the year.

I don't mean to pick on Goldman Sachs. There are a number of other financial outfits that may be engaged in excessive oil speculation as well, but Goldman Sachs is the leading trader of oil and gas derivatives. So here we are, Goldman Sachs, among others, now paying out huge bonuses after having been bailed out by the taxpayers of this country and they are back at their same old tricks of engaging in excessive speculation, which is what my amendment begins to address.

I am amazed our Republican friends would refuse to allow an amendment to come to the floor of the Senate that was passed overwhelmingly in the House with very strong Republican support in that body.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, as I have indicated previously, the underlying bill on which we are going to have a cloture vote is bipartisan. There were over 50 cosponsors here in the Senate in the last Congress. Republicans and Democrats alike have supported it. We are apparently going to have a cloture vote that some—judging by what one of my colleagues said earlier—will feel they have to vote against. They will vote to stop this bill because they feel their right to amend was obstructed, despite the fact that their right to amend was explicitly agreed to. Working on bad information is not a great way to vote, in my judgment.

Let me make an important point. I indicated earlier this is one of the few pieces of legislation that will be brought to the floor of the Senate that actually reduces the Federal budget deficit by \$425 million. That is pretty unbelievable, but there are two other big issues. One is at a time when we are seeing hundreds of thousands of Americans a month losing their jobs, losing their homes, losing hope because we are in a deep recession, at a time when we have all of this unemployment, we should be voting to move forward with a piece of legislation that tries to boost employment by increasing travel to our country by overseas visitors. These visitors are going to spend a substantial amount of money—\$4,500 per tourist. And we know we now have 633,000 fewer international tourists coming to America than we did 8 years ago. Why is that the case? The decline in tourism began after the terrible, tragic attack on this country on September 11, 2001. Following that, we obviously decided we wanted to try to keep terrorists out of this country. But we also made it harder for regular tourists. It was harder to get a visa. There were longer lines. Then the Iraq war began and a lot of people were upset with our country for unilateral actions in Iraq, and so on. We have gone through nearly a decade now in which people are traveling around the world more and more

often, but they are going to Spain, France, Great Britain, Turkey, India, and Japan—all of which are advertising aggressively internationally to say, come to our country, be a part of our experience. See the beauty of India or Japan or Australia. But our country is not involved in that competition, and we should be, because there is no better place on this Earth. I know I am not objective about that, but to come here is to love this country and to understand the great character and culture that exists here.

This piece of legislation will create jobs and opportunity in this country, but even more important, it will create goodwill all across this world from people who visit here and go home and have a better understanding of what America is about. At a time when we are in a deep recession, do we want to create jobs? I hope so. At a time when we care about what the world thinks about us, do we want to improve our standing in the world? I hope so.

We will have a cloture vote in 3 or 4 minutes. I am told now, some who have cosponsored the bill, even, will probably come down and vote against cloture because they will claim they don't have the right to offer amendments. Well, they surely do. We agreed they could offer their first five amendments last Thursday. It is just that they said we can't offer our amendments because they object, for example, to the Sanders amendment.

We said: You can offer five; we will offer three.

They said: That is fine, except we won't allow you to offer the Sanders amendment. We won't agree to that.

Again, my question: If the Senate has come to the point where it can't agree on tourism, what hope is there for big, controversial, and important issues that we will confront later this year?

My hope is that perhaps some will understand the goodwill with which the majority leader and I and others offered the minority the right to offer the amendments they chose to offer. It was the minority that decided they didn't want to agree. It would be difficult for me to see some of those who were given the ability to offer the amendments come to the floor and vote against a bill they support because they say they weren't given an opportunity to offer amendments. It is pretty hard to square that circle, and my hope is they will understand that before they vote. It will be very nice if perhaps on this one vote, it wouldn't be considered a leadership or a partisan vote and it wouldn't be based on misinformation, but instead we decided that this is about tourism, it is about promoting jobs and economic opportunity in our country, and it is about boosting the reputation of this country around the world by having people visit the United States and understanding the full breadth of what the American experience is about.

I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Dorgan amendment, No. 1347, to S. 1023, the Travel Promotion Act of 2009.

Harry Reid, Byron L. Dorgan, Barbara Boxer, Ron Wyden, Mark Begich, Evan Bayh, Charles Schumer, Max Baucus, Jon Tester, Patty Murray, Jack Reed, Amy Klobuchar, Patrick Leahy, Barbara Mikulski, Robert Menendez, Jeff Bingaman, Joseph Lieberman.

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

The question is: Is it the sense of the Senate that debate on amendment No. 1347 offered by the Senator from North Dakota, Mr. DORGAN, to S. 1023, the Travel Promotion Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Montana (Mr. TESTER), the Senator from Colorado (Mr. UDALL), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 53, nays 34, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—53

Akaka	Conrad	Kaufman
Baucus	Dodd	Kerry
Bayh	Dorgan	Klobuchar
Bennet	Durbin	Kohl
Bingaman	Ensign	Landrieu
Boxer	Feingold	Lautenberg
Brown	Feinstein	Leahy
Burris	Gillibrand	Levin
Cantwell	Hagan	Lieberman
Cardin	Harkin	Lincoln
Carper	Inouye	Martinez
Casey	Johnson	McCaskill

Menendez	Pryor	Stabenow
Merkley	Reed	Udall (NM)
Mikulski	Rockefeller	Warner
Murray	Sanders	Webb
Nelson (NE)	Schumer	Whitehouse
Nelson (FL)	Shaheen	

NAYS—34

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

NOT VOTING—12

Begich	Murkowski	Udall (CO)
Byrd	Roberts	Vitter
Hutchison	Specter	Voinovich
Kennedy	Tester	Wyden

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 34. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. I enter a motion to reconsider the vote by which cloture was not invoked on the Dorgan amendment.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. I ask unanimous consent the cloture motion on the bill be withdrawn.

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

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

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

EXECUTIVE SESSION

NOMINATION OF HAROLD HONGJU KOH TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE

Mr. REID. I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 140.

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

The assistant legislative clerk read the nomination of Harold Hongju Koh, of Connecticut, to be legal adviser of the Department of State

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move

to bring to a close debate on the nomination of Harold Hongju Koh, of Connecticut, to be legal adviser of the Department of State.

Harry Reid, Mark L. Pryor, Sheldon Whitehouse, Daniel K. Inouye, Russell D. Feingold, Christopher J. Dodd, Roland W. Burris, Richard Durbin, Patty Murray, Jon Tester, Mark Udall, Amy Klobuchar, Jack Reed, Max Baucus, Jeff Merkley, Blanche L. Lincoln, Maria Cantwell, Byron L. Dorgan.

Mr. REID. Madam President, I ask the mandatory quorum call be waived. The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Madam President, I ask the Senate resume legislative session.

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

MORNING BUSINESS

Mr. REID. I ask now we 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.

TRAVEL PROMOTION ACT

Mr. REID. Madam President, let me say a brief word on the cloture that was not invoked on the travel bill. I hope everyone understands what obstructionism is. This is obstructionism at its best. It goes along with what the Republicans said they wanted to do and that is stop everything, as indicated in the Roll Call newspaper last week.

This is a bill that saves the government money, almost a half billion dollars over 10 years. It would create, in the first year after passage of the bill, 40,000 jobs.

Republicans killed this over the most fictitious reasoning. They said they were not allowed to offer amendments. That is absolutely false. In fact, we had an agreement that they could offer amendments. There were no restrictions on what they could offer. They wanted to offer amendments regarding TARP. They wanted to offer five of those. Fine, I said, go ahead. We had one amendment we want to offer. They said: No, we just want to offer ours, you can't offer yours.

Every State would benefit from this legislation because tourism is so important and popular in every State, but the Republicans killed this. Is there any wonder they have lost, during the last two election cycles, by election, 15 Republican Senators? Is it any wonder? They are so enthralled with the status quo they want no improvements of anything, including they don't want to save the government a half billion dollars, they don't want to improve tourism because this may be another victory for President Obama.

I am certainly aware of the work done by the committee. The Commerce Committee works so hard. Senator

ROCKEFELLER was ill. He badly injured himself. Senator DORGAN stepped forward to get it out of that committee so we could do this. It is good for every State. Tourism is good for New Hampshire, it is good for Nevada, it is good for North Dakota, it is good for Wyoming, and it is good for Idaho. The Republicans killed our ability to save half a billion dollars. They killed our ability to create 40,000 new jobs. Tourism is a trillion-dollar industry in this country. The Republicans killed this legislation.

Mr. DORGAN. Madam President, if the Senator will yield for a question.

Mr. REID. I would be happy to.

Mr. DORGAN. Last Thursday, the majority leader and I stood in that aisle. The question was going to be, under what conditions would this Travel Promotion Act come to the floor of the Senate? We said: You know what, tell us what amendments you need. Tell us which amendment you wish to offer and we will give you some. So it ended up five amendments on their side, three on ours, as a start. It was not going to be a limit, but we were going to start with five and three. They showed us their five. None had anything to do with this bill. We said: Fine, you can offer those five, no problem. They were all about TARP, troubled assets and so on. We said fine. Then we showed them the three to be offered on this side, and they looked at three of them and said this one we will not allow to be offered. All of a sudden, the minority was deciding they could offer all of theirs, but they will not allow the majority to offer one amendment that deals with the issue of the price of gasoline.

The result was we now had a vote against cloture on an issue dealing with travel promotion on a piece of legislation that raises \$500 million and reduces the deficit \$500 million in 10 years. It is pretty unbelievable to me. I asked the question earlier today, if we can't agree on a piece of legislation that in the last Congress was supported by over 50 Senators, Republicans and Democrats, dealing with promotion of tourism and creating jobs and promoting this country's economic interests by asking international tourists to come to this country, you are welcome to come and see America and understand what America is about—if we cannot agree on that, how on Earth will we agree to get amendments on energy, health care, climate change, and so on? It is so disappointing.

Mr. REID. Madam President, if I could respond to my friend, we had, this year, 11 Republican sponsors of this bill. Nine of them voted against cloture, nine of the eleven. That, to me, is hard to calculate as being within the realm of sensibility. What in the world did they accomplish, other than maybe they are following the Senate GOP, still saying no?

But should they say no to things—maybe they should have a better rationale, saying we can't do this, it is a

government program; we can't do this, it costs money; we can't do this, we don't have time to do it.

None of those apply. It does not cost government money. We have time to do it. It is not a government program.

Mr. DORGAN. Madam President, let me make one additional point. Unfortunately, too much of politics these days is there is my team and your team. On this kind of legislation I would have thought this was about our team, all of us working together on a bill that Republicans and Democrats had cosponsored, on a bill that is actually going to reduce the Federal budget deficit by a half billion dollars and on a bill that, at a time when we are in deep recession, promotes tourists to come to this country, who would, on average, spend \$4,500 in this country to create new jobs.

We have a substantial number, hundreds of thousands—633,000 fewer visitors to the United States from overseas than we had in the year 2000. Think of that, 633,000 fewer people visited this country from overseas than did in the year 2000. Every other country is experiencing a very substantial increase: France, England, Italy, Yugoslavia—not Yugoslavia, again, I made the mistake—it is Turkey and Japan and India, so many other countries—Kosovo; they are all advertising, all pushing for international tourism, to come to their country because they know it creates jobs and, more importantly, they understand when you go there you leave those countries with a good impression.

If ever there were a time when we need people to come to this country and leave with an understanding of culture and character of this country and at the same time create jobs in this country by buying gas, renting hotel rooms, buying airplanes seats, going to the tourist attractions, and understanding about America, it is now.

My hope is, in the next day or so, we might be able to find a way to bring those who voted against cloture to understand we have said, you know what, if you want to offer amendments, offer amendments. There is no obstruction anywhere.

One of our colleagues came to the floor and said: I am voting against cloture because I was obstructed from offering my amendment, and that was a colleague who had an amendment on a list we said explicitly yes to. How does one reconcile statements that are not accurate? My hope is maybe we can find agreement in the next day or two.

Mr. REID. Madam President, the problem we have is one of time now. They have stalled and killed so much time on this bipartisan good piece of legislation. I think they should hear from their constituents. We should go ahead and invoke cloture. If there are germane amendments, we can do them. But I do not think we will go through the kabuki of having TARP amendments and all this.

We have tried in good faith to get this piece of legislation finished. If

they want to finish this legislation, they should march up here and invoke cloture, which needs to be done. They can still offer germane amendments.

They may not like this bill. They may want to offer other amendments as they relate to this legislation. Unless I can be convinced otherwise—and I certainly can be, if I can be proven to be wrong; I am happy to be as reasonable as I can be—I think this is such a revolting development in a body that has pledged to do good things for the country. We have done a lot of good things this year. We have done it with little help from the Republicans. We have gotten some but not much. So they are stalling to prevent President Obama from accomplishing anything, even on a bill to save this country money.

Ms. KLOBUCHAR. If the majority leader would yield for a question, one of the things I found out with our hearing that you so kindly testified at about tourism—and I am chairing that subcommittee—now is, one, this was bipartisan, as you pointed out. There were Republicans there. They pledged their support for this bill.

But the second thing is when we talk about tourism, it is not we are not only talking about the CEOs of airline companies. The jobs, as you know, we are talking about in Nevada, are jobs such as maids or the people who work at the flower shops or the people who work in the frontline in the restaurants or the people, the bellboys. Those are real jobs.

One out of eight people employed in this country is employed in the tourism industry. What I heard in Nevada was something like 400 conventions had been canceled out of Las Vegas. We are just starting to see some improvements in our State. We call Duluth the Las Vegas of Minnesota. But we are starting to see improvements with business travel picking up, with some hope for consumers.

This bill would bring in those key people to spend \$4,500 every time they come into this country, and that is the international travelers. So if the majority leader would comment on what this means to real people, the bill the Republicans have now stopped, as we are trying every day to get more jobs in this country.

Mr. REID. Madam President, my father-in-law, may he rest in peace, emigrated from Russia and wound up in Duluth, MN. At that time, it was a booming town, very tough town. I have never been to Duluth. I have been to Minneapolis a few times, but I never had the opportunity to see the Land of a Thousand Lakes—I think that is what they call it.

Ms. KLOBUCHAR. Ten thousand.

Mr. REID. Ten thousand. Well, in Nevada we do not have many lakes, we do not have five lakes. But I would love to come and spend some time in Minnesota. It is a wonderful tourism destination, in the winter as cold as it is there, and a lot of things to do there, and in the summer.

As Senator DORGAN mentioned, we should be promoting our country so people like my father-in-law from Duluth or Minneapolis or wherever could go visit and have a good time being a tourist.

It is the same in Nevada, New Hampshire, Illinois. Every State in the Union is heavily dependent on tourism, and the Republicans do not seem to much care.

This bill is probably finished for the year, and that means 40,000 less jobs. That means this country will go in the red more for not having the stimulation the economy would get from this bill.

I appreciate very much the subcommittee and the committee getting this bill on the floor. We thought we were going to have this love fest here, because this bill helps every State in the Union, helps every State in the Union create jobs, as the Senator from Minnesota said so rightly, jobs not manufacturing things, which is important; I wish we could do more to help that—not jobs that provide entertainment in the sense of the word of going to watch a ball game or something such as that. That is tourism. My son and the pals he runs around with traveled one summer all around the country watching ball games. That is tourism. And as the Senator from Minnesota mentioned, the reason tourism jobs in Nevada are so important, we have one union that has 60,000 members. Who are those members? They are maids, they are car valets, they are waiters, waitresses.

I think it is a shame that we have, because of the Republicans looking for an excuse to make President Obama look bad—President Obama wants this done. This is part of his program, tourism.

I appreciate the comments of my friend from Minnesota.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMERICAN AUTO INDUSTRY OWNERSHIP

Mr. NELSON of Nebraska. Madam President, I rise to discuss a "Sense of the Senate" resolution I have submitted with several colleagues to address the government's recent move to take significant ownership stakes in two icons of American business: Chrysler and General Motors. Joining me as cosponsors are Senators COLLINS, LANDRIEU, LIEBERMAN, KLOBUCHAR and MCCASKILL.

This resolution puts the Senate on record and makes absolutely clear: the Federal Government is a "temporary

shareholder" in GM and Chrysler, and it should divest its shareholder position as expeditiously as possible.

No one ever wanted the government to be in the car business, but the alternative was worse and the turmoil in the auto industry extends far beyond Detroit as most Americans know.

Dealerships across my State of Nebraska are feeling the impacts of decisions made by automakers following their bankruptcies. Chrysler has decided to terminate franchise agreements with 9 dealerships in Nebraska and GM intends to terminate franchise agreements with 21 dealerships in Nebraska.

These decisions are affecting dealerships and their employees in communities such as Arapahoe, Hastings, David City, Omaha, Auburn, Milford, Lincoln, Scottsbluff, and West Point have already been impacted by the auto bankruptcies. Auto parts manufacturing plants in communities like Kearney, Cozad, Grand Island, and Seward are also feeling the results of the downturn in the auto industry.

According to the Nebraska New Car and Truck Dealers Association, more than 13,600 Nebraskans work in jobs tied to the auto industry in my State and account for \$267 million in wages for Nebraska individuals and families.

However, now that an investment has been made, we owe it to the American taxpayers to be clear about what will happen with their money.

The resolution states that the Federal Government is a temporary stakeholder in the American automotive industry and should take all possible steps to protect America on taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible.

The government should not be involved in day-to-day operations, and as soon as the auto companies have regained their financial footing the government must divest. Its involvement should not be open-ended.

Further, this resolution calls on the Government Accountability Office and the inspector general for the Troubled Assets Relief Program, or TARP, to continue providing oversight. In addition, the GAO and inspector general will report to Congress on automotive companies receiving financial assistance, so that the Federal Government may complete divestiture without delay.

This is not a partisan issue. Our deep economic crisis has already cost millions of Americans their jobs, and to add a collapse of the auto industry could add a devastating blow it would take years from which to recover.

We have had Presidents of both political parties recognize the need to address the current downfall of the auto industry and recognized the need to remove government involvement as quickly as possible.

On December 19, 2008, President Bush stated: "The actions I'm announcing today represent a step that we wish

were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination and bounce back from tough times and emerge stronger than before."

On March 30 this year, President Obama stated: "We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it's an emblem of the American spirit; a once and future symbol of America's success. It's what helped build the middle class and sustained it throughout the 20th century. It's a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It's a pillar of our economy that has held up the dreams of millions of our people. . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state."

So, to conclude, the government's move is aimed at providing stability for the automotive industry and for American workers across our great Nation in these uncertain economic times.

Our sense-of-the-Senate resolution affirms what the President has made clear: taxpayers should be protected and the government should get out of the auto business as soon as possible. Through this resolution, the Senate leaves no question about the government's future role in the U.S. auto industry.

MULTIPLE SCLEROSIS SOCIETY'S HOPE AWARD WINNER

Mr. REID. Madam President, I extend my warmest congratulations to John Ascuaga for this honor, as well as to his wife Rose and his entire family. I also commend the National Multiple Sclerosis Society for recognizing his contributions not only in the business world, but also for his generous philanthropic efforts.

John Ascuaga's Nugget for decades has been a first-class operation and a favorite destination of Nevadans and Americans from across the country. More than that, though, it has kept Sparks alive.

I have worked with John for many years. A first-generation American and a veteran, he has lived the American dream. And John would be the first to tell you he has done so with the support of his entire family, including his daughter, Michonne, whose leadership continues to keep the Nugget flourishing. Congratulations, John.

90TH ANNIVERSARY OF RENO RODEO

Mr. REID. Madam President, I rise to extend my warmest congratulations to Gordon Cowan, John Solari, and the Reno Rodeo on this historic milestone.

The Reno Rodeo is celebrated throughout Nevada for its first-class entertainment and dedication to philanthropy, which continues this week for the 90th consecutive year.

The Nation's third largest regular-season rodeo, Nevadans look forward every year to its cowboys' skill and showmanship and its preservation of the great traditions of the West.

Particularly this year, the non profit Reno Rodeo's contributions to Nevada's economy are significant—it draws 120,000 fans and generates millions for the hotels, casinos, restaurants, and stores in northern Nevada.

But the Reno Rodeo is not only important to our economy—it is a central part of our community as well. Incredibly, the rodeo is run by only two full-time staff members and countless volunteers. Since 1986, it has donated more than \$5 million to various causes, including charities, community partnership grants, and educational scholarships to schools including the University of Nevada, Reno. It has also given generously to literacy, high school rodeo and therapeutic equestrian programs.

Nevada is particularly proud of the Exceptional Kids Rodeo, which for more than a quarter-century has given children with special needs the opportunity to interact with the rodeo cowboys, animals and the exciting rodeo experience.

The "Wildest, Richest Rodeo in the West" is one of Nevada's oldest and proudest cultural institutions, and we wish it many more decades of success.

APPROPRIATIONS COMMITTEE SUBCOMMITTEE MEMBERSHIPS

Mr. INOUE. Madam President, I ask unanimous consent to have the attached subcommittee memberships for the 111th Congress printed in the CONGRESSIONAL RECORD.

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

SUBCOMMITTEES

Senator Inouye, as chairman of the Committee, and Senator Cochran, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Pryor, Specter, Brownback, Bennett, Cochran, Bond, McConnell, Collins. (10-6)

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski, Inouye, Leahy, Kohl, Dorgan, Feinstein, Reed, Lautenberg, Nelson, Pryor, Shelby, Gregg, McConnell, Hutchison, Alexander, Voinovich, Murkowski. (10-7)

DEPARTMENT OF DEFENSE

Senators Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Specter, Cochran, Bond, McConnell, Shelby, Gregg, Hutchison, Bennett, Brownback. (11-8)

ENERGY AND WATER DEVELOPMENT

Senators Dorgan, Byrd, Murray, Feinstein, Johnson, Landrieu, Reed, Lautenberg, Harkin, Tester, Bennett, Cochran, McConnell, Bond, Hutchison, Shelby, Alexander, Voinovich. (10-8).

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin, Landrieu, Lautenberg, Nelson, Tester, Collins, Bond, Alexander. (5-3)

DEPARTMENT OF HOMELAND SECURITY

Senators Byrd, Inouye, Leahy, Mikulski, Murray, Landrieu, Lautenberg, Tester, Specter, Voinovich, Cochran, Gregg, Shelby, Brownback, Murkowski. (9-6)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Tester, Alexander, Cochran, Bennett, Gregg, Murkowski, Collins. (10-6)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin, Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Pryor, Specter, Cochran, Gregg, Hutchison, Shelby, Alexander. (9-5)

LEGISLATIVE BRANCH

Senators Nelson, Pryor, Tester, Murkowski. (3-1)

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson, Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Pryor, Hutchison, Brownback, McConnell, Collins, Murkowski. (8-5)

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Lautenberg, Specter, Gregg, McConnell, Bennett, Bond, Brownback, Voinovich. (9-6)

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray, Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Specter, Bond, Shelby, Bennett, Hutchison, Brownback, Alexander, Collins, Voinovich. (12-8)

REMEMBERING SERGEANT CHRISTOPHER SHERMAN ENEY

Ms. MIKULSKI. Madam President, this August, 25 years ago, Capitol Police Sergeant Christopher Sherman Eney died in the line of duty. I rise to remember Sergeant Christopher Sherman Eney and the great sacrifices of our law enforcement officers.

The men and women who make up the Capitol Police protect not only Members of Congress but all the people visiting Capitol Hill, from foreign dignitaries to Girl Scout troops. Sergeant Eney was a loyal and dedicated member of the U.S. Capitol Police. He served on the force for twelve years.

On August 24, 1984, U.S. Capitol Police officers participated in SWAT training. That evening, the officers wanted to practice a particularly dif-

ficult exercise just one more time. During this final activity, Seg. Eney was accidentally shot and killed.

Sergeant Eney's life was cut tragically short. He was 37 years old. He left behind his wife Vivian and their two daughters: Shannen and Heather. My thoughts and prayers are with Sergeant Eney's family as we remember that tragic day.

Shortly after Sergeant Eney's passing, Vivian spoke of her husband and other fallen officers. She could not have spoken truer words when she said, "It is not how these officers died that made them heroes, it is how they lived." Her famous words are forever engraved on the National Law Enforcement Officers Memorial.

It is up to us to honor Vivian's words. Twenty five years later, we remember Sergeant Eney as a man dedicated to risking his life for his Nation. He was a brave and courageous man. He lived every day protecting his country and the future of his children.

I am so proud of every U.S. Capitol Police officer who puts their life on the line. I ask my colleagues to join me in thanking them for their service.

HONORING OUR ARMED FORCES

STAFF SERGEANT EDMOND LO

Mrs. SHAHEEN. Madam President, I wish to express my sympathy over the loss of U.S. Army SSG Edmond Lo, a 23-year-old native of Salem, NH. Staff Sergeant Lo was killed while attempting to neutralize an improvised explosive device in Samarra City, Iraq, early in the morning of June 13, 2009.

Staff Sergeant Lo was born and raised in Salem. He attended Salem High School, where he became a leader of the Air Force Junior ROTC program before graduating in 2004. Lo was determined to join the Army after graduation, even turning down a host of college acceptance letters in order to enlist. He became a member of the Army's 797th Ordnance Company—stationed out of Fort Hood, TX—and was on his second tour of duty in Iraq.

In high school, Edmond Lo earned the nickname "Mr. Dependable." Those who knew him described him as kind, hardworking and strong-willed. Even after his first tour of duty, Staff Sergeant Lo kept a close connection to the community where he grew up, returning to Salem High School to share photographs from his first trip to Iraq.

New Hampshire is proud of Staff Sergeant Lo's service to and sacrifice for our country. He, and the thousands of brave men and women of the U.S. Armed Forces serving today, deserve America's highest honor and recognition.

Staff Sergeant Lo is survived by his parents David and Rosa, as well as two brothers and three sisters. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring U.S. Army SSG Edmond Lo.

NEW YORK UNIVERSITY'S COMMENCEMENT CEREMONY

Mr. SCHUMER. Madam President, I ask unanimous consent to have printed in the RECORD the remarks given by Secretary of State Hillary Clinton at New York University's commencement ceremony in New York City, on May 13, 2009.

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

THE HONORABLE HILLARY RODHAM CLINTON,
SECRETARY OF STATE

Thank you. Thank you so much. Thank you. And does it get any better than this, a graduation ceremony for one of the great universities in the world in the home of New York Yankees? Nothing could be better. And thanks to all of you for cheering a visitor. I didn't realize that was permitted in Yankee Stadium.

I am honored to receive this degree. And on behalf of the other honorees, I say thank you. Thank you for giving us this singular privilege of being part of this commencement ceremony. As I look out at this huge crowd of graduates, family, and friends, I can only reflect on what an extraordinary moment in history you are receiving your degrees, a moment in time of our country and the world where your talents and your energy, your passion and commitment is more needed than ever. There is no doubt that you are well prepared for a world that seems somewhat uncertain but which will welcome the education that you have received on behalf of not only of yourselves and your families, but your communities and your country.

CHALLENGES FOR GRADUATES

As Secretary of State, I am well aware of the challenges that we face. You, as new graduates, and your generation will be up against those challenges: climate change and hunger, extreme poverty and extreme ideologies, new diseases and nuclear proliferation. But I am absolutely convinced that you and we are up to the task. There is no problem we face here in America or around the world that will not yield to human effort, to cooperation, to positive interdependence that makes clear humanity is going on, our challenges are ones that summon the best of us, and we will make the world better tomorrow than it is today.

Now, I know that it is fashionable in commencement speeches to be idealistic, and that may sound so, but at the root of my conviction is a strong sense of reality. Because you see, I don't think we have a choice. We can sit on the sidelines, we can wring our hands, we can retreat into cynicism, and we know what the results will be: We will cede the field to those whose ideologies are absolutely anathema to people of conscience and faith all over the world. So our positive interdependence, which is a fact, will prepare us to meet these challenges. But they can no longer be seen just as government-to-government. There is a time and an opportunity, and with the new technologies available, for us to be citizen diplomats, citizen activists, to solve problems one by one that will give in to hard work, patience, and persistence, and will then aggregate to the solutions we seek. Now, I know we cannot send a special envoy to negotiate with a pandemic, or call a summit with carbon dioxide, or sever relations with the global financial crisis. To confront these threats and to seize the opportunities that they also present, we need to build new partnerships from the bottom up, and to use every tool at our disposal. That is the heart of smart power. But smart

power requires smart people, people who have gone the distance for their education, who have opened themselves up to this increasingly complex and interconnected world, and this changing global landscape requires us to expand our concept of diplomacy.

Now, when I was graduating so many years ago, diplomacy was the domain of privileged men working behind closed doors. Today, our diplomats are not limited, and our diplomacy is no longer confined to the State Department or our embassies. We are laying the foundation for 21st century statecraft. Where? In the classrooms of NYU, in the board rooms of the businesses of this great city, in the halls of academia, in the operating rooms of our great hospitals. We are looking for those personal commitments and connections, and that is where all of you come in.

SERVICE AND DIPLOMACY BY YOUNG PEOPLE

The biggest challenges we face today will be solved by the 60 percent of the world's population under the age of 30. And already, young people, like all of you, are using their talents and ingenuity to help fashion their own brand of service and diplomacy.

A few examples: In the nation of Colombia, two young college graduates, fed up with the violence in their country, used Facebook to organize 14 million people into the largest antiterrorism demonstrations in the history of the world. In a few short weeks, their peaceful efforts did as much damage to the terrorist networks as years of military action.

I know that one of your graduates spent months on the slopes of Mount Kilimanjaro searching for sustainable development models to bring to women and families and help them lift themselves out of poverty. Another of your classmates was studying in China last year when the devastating earthquake struck, and that has led to work ever since to deliver supplies and assistance to villagers in remote areas. International students have gone on to fight for human rights in Rwanda, build civil society in the nation of Georgia, run businesses, and lead governments. And many of you, I know, used social networking platforms to make Barack Obama the President of the United States of America.

President Obama and I deeply understand how important it is for the young people of our country, but the young people of every country, to be given the opportunity to translate your beliefs and ideals into service and action, just as John Kennedy did when he created the Peace Corps and as President Bill Clinton did when he created AmeriCorps. This is in the tradition of citizen service.

So we need to figure out ways to prepare all of our institutions of government, including and especially the State Department, to harness the efforts of those who do not enter the Foreign Service but still engage in your own type of foreign service. Our State Department personnel are skilled, dedicated, passionate, and effective. And for those of you still looking for jobs, we are hiring a new generation of diplomats.

I hope many of you will join our ranks in the Foreign Service and the Civil Service, but I know that not all will choose to become professional diplomats, and I also know that the State Department alone cannot tackle these great problems. So my message to you today is this: Be the special envoys of your ideals; use the communication tools at your disposal to advance the interests of our nation and humanity everywhere; be citizen ambassadors using your personal and professional lives to forge global partnerships, build on a common commitment to solving our planet's common problems. By creating

your own networks, you can extend the power of governments to meet the needs of this and future generations. You can help lay the groundwork for the kind of global cooperation that is essential if we wish, in our time, to end hunger and defeat disease, to combat climate change, and to give every child the chance to live up to his or her God-given potential.

EDUCATIONAL EXCHANGES

This starts with opportunities for educational exchanges, the kind of dorm room and classroom diplomacy that NYU is leading on. I want to commend my friend, your president, the trustees of this great university, for understanding and believing in the importance of educational exchanges.

You know, study abroad is like spring training for this century. It helps you develop the fundamentals, the teamwork, and the determination to succeed. And we want more American students to have that opportunity. That's why we are increasing funding for Gilman scholarships by more than 40 percent. More than 400 New Yorkers have used Gilman scholarships to spend a semester abroad, including nine students from NYU last year.

Now, of course, study abroad is a two-way street, and we should bring more qualified students from other countries to study here. NYU provides a prime example of what international students can bring to a campus and how they can benefit themselves and their countries. Over 700,000 international students came to the United States last year, and NYU had the second largest number of any school in the country.

Now, the benefits from such exchanges are so great that I am committed to streamline the visa process—particularly for science and technology students so that even more qualified students will come to our campuses in the future. We're also doing more to marry technology with global service. That's why today I am pleased to announce that over the next year the State Department will be creating Virtual Student Foreign Service Internships to harness the energy of a rising generation of citizen diplomats. Working from college and university campuses, American students will partner with our embassies abroad to conduct digital diplomacy that reflects the realities of the networked world. And you can learn more about this initiative on the State Department's website.

But I know that you don't have to wait for us to create a new program. When you go home today, go online and find the website called Kiva, K-i-v-a, where you can help someone like San Ma, a mother in Vietnam who is seeking a microcredit loan to buy rice seed and fertilizer for her family farm; or log on to Heifer International's site, and for less than the cost of a dinner out, you can donate a flock of geese to a hungry family in Asia or Africa; or help Wangari Mathai's Green Belt movement in planting trees and offsetting carbon emissions and empowering women in Africa.

GLOBAL SERVICE

Now, supporting these projects and others like them doesn't require a lot of time or money. But for the people you help and the planet you protect, your participation can be not just a game changer, but a life changer. Global service also means promoting good governance. We need informed citizens, both here at home and around the world, to hold their governments accountable for getting results and finding solutions.

And this is not only directed at the graduates today, but there are a lot of proud mothers and fathers and husbands and wives and grandparents and children and others who have seen you to this day. And this is an

offer and a challenge to all of us. In the times that we face, we know we don't have a person to waste, we don't have an idea to overlook. In fact, we have to be even more committed to reaching out and crossing the divides that too often separate us. For those who have come to this country to celebrate a child or a friend's graduation, please take home this message: America more than ever wants your help; in fact, needs your help as we build these new partnerships and as we seek solutions to the global crises that cannot be solved by any one person or one government alone.

We need each other. We always have. It's just so much more apparent today. A flu starting in one country spreads quickly around the world. An extremist ideology starting with a few people explodes across the internet. A global financial crisis affects farmers and small business people in every corner of the globe. That is a new reality. But equally important is that we also now have the tools to work together to forge this common approach to these common threats.

So, Class of 2009, you have an historic opportunity. Every class is told that, and to some extent I suppose it is always true. But just in the course of this commencement ceremony, you've heard several references to the global economic crisis. The times that you are graduating in are, yes, perhaps more difficult and somewhat more daunting. But that's when we really rise together. One of the best lines from one of my favorite baseball movies, *A League of Their Own*—said it well, "If it were easy, anybody could do it."

You know, when the Yankees moved in to their old stadium next door in 1923, there was only person on the roster from west of St. Louis. Their team mostly looked the same, talked the same, and came from the same kind of cities and towns and rural areas across America. Think about the team that plays in this new stadium. It includes players from Mexico, Japan, Taiwan, Panama, four other countries. The Dominican Republic alone is home to seven Yankees. In the same way, NYU has evolved as well. The university was founded to serve the City of New York. Today it serves the world.

THE BEST INSURANCE POLICY: AN NYU EDUCATION

We know that there is much yet ahead that none of us can predict. There is no way to stop change. Change will come. What is unknown is whether it will bring progress or not. But you have done what you needed to do to get the best insurance policy you could, and that is an NYU education. And so armed with that education, I have every confidence that you will not only succeed by the dint of your own hard work and effort, but you will contribute far beyond your own personal needs. This is your moment. You've made it to the big leagues, and you are up to bat. Go out and give us a future worthy of this great university, of this great city, of this great country, and of the world we all wish to create together.

Thank you, congratulations, and Godspeed.

Thank you, Mr. President. I yield the floor.

ADDITIONAL STATEMENTS

COMMENDING RONALD BOYD

● Mr. JOHNSON. Madam President, today I wish to recognize the work and career of Ronald Boyd of Watertown, SD. Ron is retiring this month after serving the American Legion of South Dakota for the past decade.

Ron served in the U.S. Navy for 27 years. In 1999, Ron and his wife Marsha moved to Watertown where Ron joined the American Legion Department Headquarters Staff as the Department Assistant Adjutant. He was appointed Acting Department Adjutant in July 2000 and Department Adjutant at the Mid Winter Conference in February 2001.

During his tenure as Department Adjutant, Ron provided important counsel and advice to veterans, family members, VA officials, veterans' service officers, State legislators and congressional members on a range of issues. In particular, under his leadership, the American Legion in South Dakota has provided dozens of forums for veterans and their families in towns all across South Dakota to inform them of their benefits as veterans. I have always appreciated the time he has taken to visit with me in Washington, DC, and in South Dakota and update me on the events and issues important to the members of the American Legion.

It is with great honor that I share his impressive accomplishments with my colleagues, and I thank him for his service to this Nation and its veterans. Ron's consistent dedication to serving his country is admirable. His commitment to both the Navy and the legion reflect Ron's strong character and work ethic. Countless veterans have benefited from his loyalty and devotion. I wish Ron, and his wife Marsha, all the best in retirement and thank him for his many years of service.●

125TH ANNIVERSARY OF BERESFORD, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Beresford, SD. This progressive community will have a chance to reflect on its past and future, and I congratulate the people of Beresford for all they have accomplished.

Founded as a railroad depot town in 1883, Beresford was named after investor Lord Charles Beresford. The first building in Beresford was a saloon, soon followed by a general store called Sunnyside. The Beresford Study Club started a library in 1923 with donated books and fundraised for more. The library continues to serve as a valuable resource for the community.

Beresford and its citizens are a credit to the State of South Dakota. I am proud to join with the community members of Beresford in celebrating the last 125 years, and looking forward to a promising future.●

125TH ANNIVERSARY OF BRITTON, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I rise in order to pay tribute to the 125th anniversary of the founding of the community of Britton, SD. Britton is a progressive and friendly

community infused with hospitality, beauty and spirit.

Founded when J.B. and F.B. Squier laid claims in the vicinity, Britton developed further after Colonel Isaac Britton, general manager of the Dakota & Great Southern Railroad, visited and determined the area to be an ideal place for a railroad. Many changes have taken place since that first claim shanty in 1884, and the community now includes an impressive two-story school building and expanded medical facilities, both highly acclaimed. Britton has also established a strong economic base with over 25 businesses.

As the county seat of Marshall County, Britton continues to be a thriving community with many recreational opportunities including a nine hole golf course, new library, movie theater, bowling alley, swimming pool, three city parks and Prayer Rock Museum.

One hundred twenty-five years after its founding, the "Gateway to the Glacial Lakes" remains a vital community and a great asset to the wonderful State of South Dakota. I congratulate Britton and its citizens on reaching this historic anniversary.●

125TH ANNIVERSARY OF CLEAR LAKE, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Clear Lake, SD.

This county seat was founded when the Burlington, Cedar Rapids and Northern Railroad went through the area. The first depot was a box car, with other businesses quickly being erected including a general store, a butcher, and a blacksmith. Clear Lake also had a notable system to alert the town to fires, first with a triangle, then a bronze bell that is displayed in the town today.

Clear Lake is noted for its prosperous farmland and picturesque lake. This thriving town celebrated their achievement of 125 years with a weekend celebration filled with music, food and contests. Its population continues to grow as the citizens find new ways to hold onto their heritage while looking to the future. I am proud to represent Clear Lake, and would like to congratulate them on their historic anniversary.●

125TH ANNIVERSARY OF EMERY, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Emery, SD. I offer my congratulations to the people of Emery on reaching this momentous occasion.

Emery was named after the original settler, Sloan Miller Emery, who came to the area after leaving the banking industry in Minnesota. Soon after its original settlement, businesses began to sprout including a post office, a

grain elevator, and several stores. A medical practice was started in 1891. Emery has continued to thrive throughout the years, and will be celebrating their anniversary July 3-5, 2009 with games, hot air balloon rides, and fireworks.

After 125 years, the city is stronger than ever. I am pleased to publicly honor the achievements of this wonderful South Dakota community as they reach this juncture, and wish them all the best in the future.●

125TH ANNIVERSARY OF LEOLA, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Leola, SD. I am proud to honor the people of Leola on this memorable occasion, and to extend my congratulations to them.

Settlers founded Leola in 1884 as a homestead site and named it after the daughter of Captain E.D. Haynes. The community quickly grew, getting its first newspaper, The Leola Blade, in 1885. Known as the "Rhubarb Capital of the World", Leola holds a biannual festival to celebrate and sample the various uses of this unique fruit. The town also has a Threshing Bee in September of every year to honor their forefathers' way of life with live demonstrations of antique threshing machines and an antique tractor show.

Located near the Ordway Prairie Memorial Preserve, Leola is also an excellent place for nature and history lovers to experience beautiful South Dakota prairie and its wildlife as the settlers did so many years ago.

The seat of rural McPherson County is a close-knit community infused with hospitality, beauty, and an exceptional quality of life. Small communities like Leola are the epitome of what makes South Dakota great, and I am proud to represent this thriving town.●

125TH ANNIVERSARY OF TORONTO, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Toronto, SD.

Toronto was founded by four farmers who all donated land to the township. The farmer who donated the most land, Mr. McCraney, named the new community after his hometown of Toronto, Canada. The Burlington, Cedar Rapids and Northern Railroad built a depot which became a popular landmark, providing a gathering place for the citizens. In 1898, Toronto became the smallest town in the United States to have electric lights, with telephone service following 3 years later. This resilient town made it through seven major fires as well as severe bouts of small pox and Spanish influenza. I have a personal bond to the community as my grandparents Reverend Peder and Anna Ljostveit are buried in the Toronto Cemetery.

The citizens will be celebrating this momentous anniversary July 3-5, 2009, with craft and quilt shows, meals, pageants, and games including a contest for yard decorations. This celebration will give Toronto the occasion to reflect on their strong, progressive past as well as look forward to its promising future. I congratulate Toronto and its people and reaching this historic milestone.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001, WITH RESPECT TO THE WESTERN BALKANS—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2009.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist vi-

olence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, June 22, 2009.

MESSAGE FROM THE HOUSE

At 2:04 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 bills, in which it requests the concurrence of the Senate:

H.R. 2410. An act to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes.

H.R. 2847. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 2918. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 614. An act to award a congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 615. An act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

The message further announced that Mr. SCHIFF, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Georgia, Mr. GOODLATTE, and Mr. SENSENBRENNER are appointed managers on the part of the House to conduct the trial of the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers on the part of the House may exhibit the articles of impeachment to the Senate and take all other actions necessary in connection with preparation for, and conduct of, the trial, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under House Resolution 279, One Hundred Eleventh Congress, agreed to March 31, 2009, or any other applicable expense resolution on vouchers approved by the Chairman of the Committee on the Judiciary;

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they may consider necessary.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2410. An act to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes; to the Committee on Foreign Relations.

H.R. 2847. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2918. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

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. LUGAR (for himself, Mr. LEAHY, Mrs. LINCOLN, Mr. DURBIN, Mr. SANDERS, and Mr. ROBERTS):

S. 1313. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1314. A bill to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida (for himself and Mr. KOHL):

S. 1315. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term "first applicant" for purposes of filing an abbreviated application for a new drug; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE (for himself, Mr. JOHNSON, Mr. DODD, and Mr. LIEBERMAN):

S. 1316. A bill to amend the Federal Deposit Insurance Act to modify requirements relating to the location of bank branches on Indian reservations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG:

S. 1317. A bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or

suspected dangerous terrorists; to the Committee on the Judiciary.

By Mr. GREGG:

S. 1318. A bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds; to the Committee on Environment and Public Works.

By Mr. COBURN (for himself, Mr. KYL, Mr. THUNE, Mr. GRAHAM, Mr. CRAPO, Mr. INHOFE, Mr. ENZI, Mr. BURR, Mr. WICKER, Mr. BROWNBACK, Mr. MCCAIN, Mr. CHAMBLISS, Mr. ENSIGN, Mr. GRASSLEY, Mr. VITTER, Mr. BARRASSO, Mr. DEMINT, and Mrs. HUTCHISON):

S. 1319. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes; to the Committee on Rules and Administration.

By Mr. TESTER:

S. 1320. A bill to provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. BURR):

S. Res. 199. A resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 370

At the request of Mr. INHOFE, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Wyoming (Mr. ENZI), the Senator from Kentucky (Mr. BUNNING) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 370, a bill to prohibit the use of funds to transfer detainees of the United States at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or to construct any facility for such detainees in the United States, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 624

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 658

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 662

At the request of Mr. CONRAD, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 714

At the request of Mr. WEBB, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 779

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 779, a bill to amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 849

At the request of Mr. CARPER, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Oregon (Mr. MERKLEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 849, a bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

S. 883

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to

end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1280

At the request of Mr. CORKER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1280, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Alabama (Mr. SESSIONS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 27

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of "In God we trust" in the Capitol Visitor Center.

S. CON. RES. 28

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution supporting the goals of Smart Irrigation Month, which recognizes the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water resources more efficiently and encourages the adoption of smart irrigation practices throughout the United States to further improve water-use efficiency in agricultural, residential, and commercial activities.

S. RES. 158

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 158, a resolution to commend the American Sail Training Association for advancing international goodwill and character building under sail.

AMENDMENT NO. 1337

At the request of Ms. SNOWE, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of amendment No. 1337 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

AMENDMENT NO. 1343

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 1343 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUE (for himself, Mr. JOHNSON, Mr. DODD, and Mr. LIEBERMAN):

S. 1316. A bill to amend the Federal Deposit Insurance Act to modify requirements relating to the location of bank branches on Indian reservations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INOUE. Mr. President, I rise to introduce a bill that would provide authority for the establishment of branch banking facilities on Indian reservations so that the Federally-chartered Native American Bank could enable access to financial services to Indian tribes and their citizens.

Many years ago, as part of my service as Chairman of the Senate Indian Affairs Committee, I met with tribal leaders to discuss the challenges of economic development in Indian country. At that time, I suggested that they might give consideration to a means by which tribal governments could pool their resources and thereby provide the capital that other tribal governments could employ on a short-term loan basis to undertake reservation-based projects that held the potential of stimulating economic growth in their tribal communities.

The tribal leaders with whom I met were very interested in this idea, and in the ensuing years, went forward and established the Native American Bank—which is headquartered in Denver—but continues to manage its first affiliated bank on the Blackfeet Indian Reservation in Montana.

As my colleagues know, there are few financial institutions located either on or near Indian reservations, and sadly, there is evidence that some financial institutions have found it apparently necessary to either charge very high rates that they associate with the risk of doing business in Indian country, or to deny financial assistance altogether.

The Native American Bank has stepped into that latter void and has been providing meaningful financial services to tribal governments and their citizens for a number of years.

This bill contains amendments to the McFadden Act that have been carefully

sculpted to address only this narrow expansion of capacity on the part of financial institutions serving Indian country, and I am pleased that Senator JOHNSON, a member of the Senate Banking Committee, has agreed to join me in co-sponsoring this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 199—RECOGNIZING THE CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY AND THE BOATING INDUSTRY TO THE CONTINUING PROSPERITY OF THE UNITED STATES

Mr. KOHL (for himself and Mr. BURR) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 199

Whereas the recreational boating community in the United States includes over 59,000,000 individuals;

Whereas the boating industry contributes more than \$33,000,000,000 annually to the United States economy, and provides jobs for 337,000 citizens of the United States who earn wages totaling \$10,400,000,000 annually;

Whereas recreational boaters often serve as stewards of the marine environment of the United States, educating others of the value of marine resources, and preserving the resources for the enjoyment of future generations;

Whereas there are approximately 1,400 active boat builders in the United States, using materials and services contributed from all 50 States;

Whereas recreational boating provides opportunities for families to be together, appeals to all age groups, and benefits the physical fitness and scholastic performance of those who participate; and

Whereas, July 1, 2009, would be an appropriate day to establish as National Boating Day: Now, therefore, be it

Resolved, That the Senate —

(1) commends the recreational boating community and the boating industry of the United States for contributing to the economy of the United States, benefitting the well-being of United States citizens, and providing responsible environmental stewardship of the marine resources of the United States; and

(2) encourages the United States to observe National Boating Day with appropriate programs and activities that emphasize family involvement and provide an opportunity to promote the boating industry.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1354. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table.

SA 1355. Mr. KERRY (for himself, Mr. HATCH, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1356. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S.

1023, *supra*; which was ordered to lie on the table.

SA 1357. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1023, *supra*; which was ordered to lie on the table.

SA 1358. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, *supra*; which was ordered to lie on the table.

SA 1359. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1023, *supra*; which was ordered to lie on the table.

SA 1360. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, *supra*; which was ordered to lie on the table.

SA 1361. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, *supra*; which was ordered to lie on the table.

SA 1362. Mr. HATCH (for himself, Mrs. LINCOLN, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1023, *supra*; which was ordered to lie on the table.

SA 1363. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1354. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. TRUSTED PASSENGER/REGISTERED TRAVELER PROGRAM.

(a) ASSESSMENTS AND BACKGROUND CHECKS.—

(1) IN GENERAL.—Subject to paragraph (2) and not later than 120 days after the date of enactment of this Act, to enhance aviation security through risk management at airport checkpoints through use of a trusted passenger program (referred to in this section as the “Registered Traveler program”), established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107-71; 49 U.S.C. 114 note), the Assistant Secretary of Homeland Security for the Transportation Security Administration shall—

(A) reinstate an initial and continuous security threat assessment program as part of the enrollment process for the Registered Traveler program; and

(B) allow appropriate providers to perform private sector background checks as part of the Registered Traveler program enrollment process with assurance that the program shall be undertaken in a manner consistent with constitutional privacy and civil liberties protections and be subject to approval and oversight by the Assistant Secretary.

(2) REQUIREMENTS.—The Assistant Secretary shall not reinstate the threat assessment component of the Registered Traveler program or allow certain background checks unless the Assistant Secretary—

(A) determines that the Registered Traveler program, as carried out in accordance with this subsection, is integrated into risk-based aviation security operations; and

(B) expedites airport checkpoint screening for members of the Registered Traveler program who have been subjected to a security threat assessment and the private sector background check under this subsection.

(b) TREATMENT OF INDIVIDUALS WITH TOP SECRET SECURITY CLEARANCES.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish protocols to—

(1) verify the identity of United States citizens who—

(A) participate in the Registered Traveler program; and

(B) possess a valid top secret security clearance granted by the Federal Government; and

(2) allow alternative screening procedures for individuals described in paragraph (1), including random, risk-based screening determined necessary to respond to a specific threat to security identified pursuant to a security threat assessment.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act and if the Assistant Secretary determines that the Registered Traveler program, as carried out in accordance with subsection (a), may be integrated into risk-based aviation security operations under subsection (a), the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(1) the level of risk reduction provided by carrying out section (a);

(2) the manner in which the Registered Traveler program has been integrated into risk-based aviation security operations; and

(3) the changes to the Registered Traveler program, including screening protocols, that have been implemented to realize the full potential of the Registered Traveler program.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize any nongovernmental entity to perform vetting against the terrorist screening database maintained by the Government of the United States.

SA 1355. Mr. KERRY (for himself, Mr. HATCH, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 9. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS WITH EXTRAORDINARY ARTISTIC ABILITY.

(a) SHORT TITLE.—This section may be cited as the “Arts Require Timely Service Act” or the “ARTS Act”.

(b) EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS WITH EXTRAORDINARY ARTISTIC ABILITY.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(2) in paragraph (6)(D)—

(A) by striking “(D) Any person” and inserting the following:

“(D)(i) Except as provided under clause (ii), any person”; and

(B) by adding at the end the following:

“(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien who has extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) not later than 30 days after—

“(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

“(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

“(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is an arts organization described in paragraph (3), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code for the taxable year preceding the calendar year in which the petition is submitted, or an individual or entity petitioning primarily on behalf of such an organization, the Secretary of Homeland Security shall provide the petitioner with the premium processing services referred to in section 286(u), without a fee.”.

SA 1356. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, strike line 20 and all that follows through page 23, line 6, and insert the following:

(4) REVIEW OF INFORMATION.—

(A) SUBMISSION.—The Corporation shall submit all information relating to United States Government travel and visa requirements proposed to be disseminated to foreign travelers under paragraphs (1)(A) and (3) to the Secretary of State and Secretary of Homeland Security for review in order to ensure that the travel promotion campaigns funded through the Travel Promotion Fund are factually accurate.

(B) REVIEW AND FEEDBACK.—Not later than 10 business days after receiving information from the Corporation under subparagraph (A), the Secretary of State and the Secretary of Homeland Security shall each—

(i) complete a review of the factual content of the information submitted by the Corporation under subparagraph (A); and

(ii) correct any factual errors discovered in such information.

(C) LIMITATION.—The Secretary of State and the Secretary of Homeland Security shall limit their review under this paragraph to the factual content of the information that the Corporation is proposing to disseminate.

(D) CHANGES.—The Corporation shall make all reasonable changes to the factual content of the information it proposes to disseminate to foreign travelers based on the feedback received from the Secretary of State and the Secretary of Homeland Security to ensure that such information is accurate.

(E) EFFECT OF FAILURE TO RESPOND.—If the Corporation does not receive a response from the Secretary of State or the Secretary of Homeland Security within 10 business days after the receipt of the information submitted under subparagraph (A), the factual

content of the proposed information campaign shall be deemed to have been authorized by the Secretary of State and the Secretary of Homeland Security.

(f) **OPEN MEETINGS.**—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) **MAJOR CAMPAIGNS.**—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least $\frac{2}{3}$ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) **FISCAL ACCOUNTABILITY.**—

(1) **FISCAL YEAR.**—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) **BUDGET.**—The Corporation shall adopt a budget for each fiscal year.

(3) **ANNUAL AUDITS.**—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) **PROGRAM AUDITS.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) **OBJECTIVES.**—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) **BUDGET.**—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) **ANNUAL REPORT TO CONGRESS.**—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress

on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) **LIMITATION ON USE OF FUNDS.**—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) **ESTABLISHMENT OF TRAVEL PROMOTION FUND.**—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) **FUNDING.**—

(1) **START-UP EXPENSES.**—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) **SUBSEQUENT YEARS.**—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c), to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts

from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) **GOODS AND SERVICES.**—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) **RIGHT OF REFUSAL.**—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) **LIMITATION.**—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) **CARRYFORWARD.**—

(1) **FEDERAL FUNDS.**—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) **MATCHING FUNDS.**—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) **TRAVEL PROMOTION FUND FEES.**—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) FEES.—

“(i) **IN GENERAL.**—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) **DISPOSITION OF AMOUNTS COLLECTED.**—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) **SUNSET OF TRAVEL PROMOTION FUND FEE.**—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”

SEC. 6. ASSESSMENT AUTHORITY.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of the

Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) REFERENCE.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

“SEC. 202. OFFICE OF TRAVEL PROMOTION.

“(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) DIRECTOR.—

“(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) DUTIES.—The Director shall—

“(A) report to the Secretary;

“(B) ensure that the Office is effectively carrying out its functions; and

“(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

“(4) RULE OF CONSTRUCTION.—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the processes through which individuals are admitted into the United States.

“(c) FUNCTIONS.—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).”.

SA 1357. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 10, strike line 11 and all that follows through page 25, line 10, and insert the following:

(4) REVIEW OF INFORMATION.—

(A) SUBMISSION.—The Corporation shall submit all information relating to United States Government travel and visa requirements proposed to be disseminated to foreign travelers under paragraphs (1)(A) and (3) to the Secretary of State and Secretary of Homeland Security for review in order to ensure that the travel promotion campaigns funded through the Travel Promotion Fund are factually accurate.

(B) REVIEW AND FEEDBACK.—Not later than 10 business days after receiving information from the Corporation under subparagraph (A), the Secretary of State and the Secretary of Homeland Security shall each—

(i) complete a review of the factual content of the information submitted by the Corporation under subparagraph (A); and

(ii) correct any factual errors discovered in such information.

(C) LIMITATION.—The Secretary of State and the Secretary of Homeland Security shall limit their review under this paragraph to the factual content of the information that the Corporation is proposing to disseminate.

(D) CHANGES.—The Corporation shall make all reasonable changes to the factual content of the information it proposes to disseminate to foreign travelers based on the feedback received from the Secretary of State and the Secretary of Homeland Security to ensure that such information is accurate.

(E) EFFECT OF FAILURE TO RESPOND.—If the Corporation does not receive a response from the Secretary of State or the Secretary of Homeland Security within 10 business days after the receipt of the information submitted under subparagraph (A), the factual content of the proposed information campaign shall be deemed to have been authorized by the Secretary of State and the Secretary of Homeland Security.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ¾ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of

the plan, and any revisions thereof, to the Secretary.

(b) **BUDGET.**—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) **ANNUAL REPORT TO CONGRESS.**—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) **LIMITATION ON USE OF FUNDS.**—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) **ESTABLISHMENT OF TRAVEL PROMOTION FUND.**—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) **FUNDING.**—

(1) **START-UP EXPENSES.**—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) **SUBSEQUENT YEARS.**—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c), to carry out its functions under this Act.

Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) **GOODS AND SERVICES.**—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) **RIGHT OF REFUSAL.**—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) **LIMITATION.**—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) **CARRYFORWARD.**—

(1) **FEDERAL FUNDS.**—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) **MATCHING FUNDS.**—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) **TRAVEL PROMOTION FUND FEES.**—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) **FEES.**—

“(i) **IN GENERAL.**—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) **DISPOSITION OF AMOUNTS COLLECTED.**—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) **SUNSET OF TRAVEL PROMOTION FUND FEE.**—The Secretary may not collect the fee

authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”.

SEC. 6. ASSESSMENT AUTHORITY.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) **REFERENDA.**—

(1) **IN GENERAL.**—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) **PROCEDURAL REQUIREMENTS.**—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) **COLLECTION.**—

(1) **IN GENERAL.**—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) **ENFORCEMENT.**—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) **INVESTMENT OF FUNDS.**—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

“SEC. 202. OFFICE OF TRAVEL PROMOTION.

“(a) **OFFICE ESTABLISHED.**—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) **DIRECTOR.**—

“(1) **APPOINTMENT.**—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) **QUALIFICATIONS.**—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) DUTIES.—The Director shall—

“(A) report to the Secretary;

“(B) ensure that the Office is effectively carrying out its functions; and

“(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

“(4) RULE OF CONSTRUCTION.—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the processes through which individuals are admitted into the United States.

“(c) FUNCTIONS.—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).”.

SA 1358. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 10, strike line 11 and all that follows through page 25, line 10, and insert the following:

(4) REVIEW OF INFORMATION.—

(A) SUBMISSION.—The Corporation shall submit all information relating to United States Government travel and visa requirements proposed to be disseminated to foreign

travelers under paragraphs (1)(A) and (3) to the Secretary of State and Secretary of Homeland Security for review in order to ensure that the travel promotion campaigns funded through the Travel Promotion Fund are factually accurate.

(B) REVIEW AND FEEDBACK.—Not later than 10 business days after receiving information from the Corporation under subparagraph (A), the Secretary of State and the Secretary of Homeland Security shall each—

(i) complete a review of the factual content of the information submitted by the Corporation under subparagraph (A); and

(ii) correct any factual errors discovered in such information.

(C) LIMITATION.—The Secretary of State and the Secretary of Homeland Security shall limit their review under this paragraph to the factual content of the information that the Corporation is proposing to disseminate.

(D) CHANGES.—The Corporation shall make all reasonable changes to the factual content of the information it proposes to disseminate to foreign travelers based on the feedback received from the Secretary of State and the Secretary of Homeland Security to ensure that such information is accurate.

(E) EFFECT OF FAILURE TO RESPOND.—If the Corporation does not receive a response from the Secretary of State or the Secretary of Homeland Security within 10 business days after the receipt of the information submitted under subparagraph (A), the factual content of the proposed information campaign shall be deemed to have been authorized by the Secretary of State and the Secretary of Homeland Security.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ¾ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

(1) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this

Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) **SUBSEQUENT YEARS.**—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c), to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) **GOODS AND SERVICES.**—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) **RIGHT OF REFUSAL.**—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) **LIMITATION.**—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) **CARRYFORWARD.**—

(1) **FEDERAL FUNDS.**—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) **MATCHING FUNDS.**—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) **TRAVEL PROMOTION FUND FEES.**—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) **FEES.**—

“(i) **IN GENERAL.**—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the Sys-

tem and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) **DISPOSITION OF AMOUNTS COLLECTED.**—From the amounts collected under clause (i)(I), \$100,000,000 shall be deposited into the Treasury and credited to the Travel Promotion Fund established under section 4 of the Travel Promotion Act of 2009, and any additional amounts shall be deposited into the Treasury as an offsetting collection, subject to appropriation for use by the Secretary of Homeland Security for the electronic travel authorization system authorized under section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) **SUNSET OF TRAVEL PROMOTION FUND FEE.**—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”

SEC. 6. ASSESSMENT AUTHORITY.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) **REFERENDA.**—

(1) **IN GENERAL.**—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) **PROCEDURAL REQUIREMENTS.**—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) **COLLECTION.**—

(1) **IN GENERAL.**—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) **ENFORCEMENT.**—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) **INVESTMENT OF FUNDS.**—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any

other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

“**SEC. 202. OFFICE OF TRAVEL PROMOTION.**

“(a) **OFFICE ESTABLISHED.**—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) **DIRECTOR.**—

“(1) **APPOINTMENT.**—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) **QUALIFICATIONS.**—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) **DUTIES.**—The Director shall—

“(A) report to the Secretary;

“(B) ensure that the Office is effectively carrying out its functions; and

“(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the processes through which individuals are admitted into the United States.

“(c) **FUNCTIONS.**—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) **REPORTS TO CONGRESS.**—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of

Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).".

SA 1359. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

Beginning on page 19, strike line 17 and all that follows through page 20, line 10, and insert the following:

"(B) FEES.—

"(i) IN GENERAL.—Not later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. Such fee shall be not less than \$20 per travel authorization and distributed as follows:

"(I) \$10 of each fee shall be deposited in the general fund of the Treasury for transfer to the Travel Promotion Fund established by section 4(a) of the Travel Promotion Act of 2009, consistent with section 4(b) of such Act.

"(II) The amount of each fee not transferred under subclause (I) shall be deposited into the Treasury as an offsetting collection subject to appropriation for the Secretary of Homeland Security—

"(aa) to carry out the exit system required by section 217(i) and similar programs at sea and land ports of entry; and

"(bb) to ensure recovery of the full costs of providing and administering the System.

"(ii) EXCEPTION.—Any amount collected for distribution under clause (i)(I) for a fiscal year that exceeds the maximum amount that may be transferred to the Travel Promotion Fund under subsections (b), (c), and (d) of section 4 of the Travel Promotion Act of 2009 for such fiscal year shall be made available to the Secretary of Homeland Security under clause (i)(II).

SA 1360. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

Beginning on page 17, strike line 7 and all that follows through page 18, line 4, and insert the following:

"(B) FEES.—

"(i) IN GENERAL.—Not later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. Such fee shall be not less than \$20 per travel authorization and distributed as follows:

"(I) \$10 of each fee shall be deposited in the general fund of the Treasury for transfer to the Travel Promotion Fund established by section 4(a) of the Travel Promotion Act of 2009, consistent with section 4(b) of such Act.

"(II) The amount of each fee not transferred under subclause (I) shall be deposited

into the Treasury as an offsetting collection subject to appropriation for the Secretary of Homeland Security—

"(aa) to carry out the exit system required by section 217(i) and similar programs at sea and land ports of entry; and

"(bb) to ensure recovery of the full costs of providing and administering the System.

"(ii) EXCEPTION.—Any amount collected for distribution under clause (i)(I) for a fiscal year that exceeds the maximum amount that may be transferred to the Travel Promotion Fund under subsections (b), (c), and (d) of section 4 of the Travel Promotion Act of 2009 for such fiscal year shall be made available to the Secretary of Homeland Security under clause (i)(II).

SA 1361. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, strike line 20 and all that follows through page 23, line 6, and insert the following:

(4) REVIEW OF INFORMATION.—

(A) SUBMISSION.—The Corporation shall submit all information relating to United States Government travel and visa requirements proposed to be disseminated to foreign travelers under paragraphs (1)(A) and (3) to the Secretary of State and Secretary of Homeland Security for review in order to ensure that the travel promotion campaigns funded through the Travel Promotion Fund are factually accurate.

(B) REVIEW AND FEEDBACK.—Not later than 10 business days after receiving information from the Corporation under subparagraph (A), the Secretary of State and the Secretary of Homeland Security shall each—

(i) complete a review of the factual content of the information submitted by the Corporation under subparagraph (A); and

(ii) correct any factual errors discovered in such information.

(C) LIMITATION.—The Secretary of State and the Secretary of Homeland Security shall limit their review under this paragraph to the factual content of the information that the Corporation is proposing to disseminate.

(D) CHANGES.—The Corporation shall make all reasonable changes to the factual content of the information it proposes to disseminate to foreign travelers based on the feedback received from the Secretary of State and the Secretary of Homeland Security to ensure that such information is accurate.

(E) EFFECT OF FAILURE TO RESPOND.—If the Corporation does not receive a response from the Secretary of State or the Secretary of Homeland Security within 10 business days after the receipt of the information submitted under subparagraph (A), the factual content of the proposed information campaign shall be deemed to have been authorized by the Secretary of State and the Secretary of Homeland Security.

(F) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ¾ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) **LIMITATION ON USE OF FUNDS.**—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) **ESTABLISHMENT OF TRAVEL PROMOTION FUND.**—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) **FUNDING.**—

(1) **START-UP EXPENSES.**—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) **SUBSEQUENT YEARS.**—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c), to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) **GOODS AND SERVICES.**—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under

paragraph (1) for the Corporation in any fiscal year.

(3) **RIGHT OF REFUSAL.**—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) **LIMITATION.**—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) **CARRYFORWARD.**—

(1) **FEDERAL FUNDS.**—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) **MATCHING FUNDS.**—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) **TRAVEL PROMOTION FUND FEES.**—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) **FEES.**—

“(i) **IN GENERAL.**—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) **DISPOSITION OF AMOUNTS COLLECTED.**—From the amounts collected under clause (i)(I), \$100,000,000 shall be deposited into the Treasury and credited to the Travel Promotion Fund established under section 4 of the Travel Promotion Act of 2009, and any additional amounts shall be deposited into the Treasury as an offsetting collection, subject to appropriation for use by the Secretary of Homeland Security for the electronic travel authorization system authorized under section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) **SUNSET OF TRAVEL PROMOTION FUND FEE.**—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”

SEC. 6. ASSESSMENT AUTHORITY.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) **REFERENDA.**—

(1) **IN GENERAL.**—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) **PROCEDURAL REQUIREMENTS.**—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) **COLLECTION.**—

(1) **IN GENERAL.**—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) **ENFORCEMENT.**—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) **INVESTMENT OF FUNDS.**—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

“SEC. 202. OFFICE OF TRAVEL PROMOTION.

“(a) **OFFICE ESTABLISHED.**—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) **DIRECTOR.**—

“(1) **APPOINTMENT.**—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) **QUALIFICATIONS.**—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) **DUTIES.**—The Director shall—

“(A) report to the Secretary;

“(B) ensure that the Office is effectively carrying out its functions; and

“(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the processes through which individuals are admitted into the United States.

“(c) **FUNCTIONS.**—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) **REPORTS TO CONGRESS.**—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).”.

SA 1362. Mr. HATCH (for himself, Mrs. LINCOLN, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. DEPOSIT OF TARP REPAYMENTS AND PROCEEDS INTO TREASURY TO REDUCE THE PUBLIC DEBT.

(a) **SHORT TITLE.**—This section may be cited as the “Stop Tarp Asset Recycling Act of 2009” or the “STAR Act of 2009”.

(b) **AMENDMENT TO TARP AUTHORIZATION.**—Section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)) is amended by striking “outstanding at any one time” and inserting “, in the aggregate (or such higher amount, in the aggregate, as has been obligated or expended under this Act as of the date of enactment of the STAR Act of 2009)”.

(c) **DEPOSIT OF FUNDS INTO TREASURY.**—

(1) **IN GENERAL.**—On and after the date of enactment of this Act, all repayments of obligations arising under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), and all proceeds from the sale of assets acquired by the Federal Government under that Act, shall be paid into the general fund of the Treasury for reduction of the public debt, in accordance with section 106(d) of that Act (12 U.S.C. 5216(d)), as amended by this section.

(2) **CONFORMING AMENDMENT.**—Section 106(d) of the Emergency Economic Stabiliza-

tion Act of 2008 (12 U.S.C. 5216(d)) is amended by inserting “, and repayments of obligations arising under this Act,” after “section 113”.

SA 1363. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 17, strike lines 22 through 24 and insert the following: “(i)(I) shall be transferred to the general fund of the Treasury and made available for the purposes provided for in section 4 of the Travel Promotion Act of 2009.”.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 25, 2009 at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing to examine S. 797, the Tribal Law and Order Act of 2009.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 22, 2009 at 3 p.m., to conduct a hearing entitled “Over-the-Counter Derivatives: Modernizing Oversight To Increase Transparency and Reduce Risks.”

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Monday, June 22, 2009 at 3 p.m. in room 325 of the Russell Senate Office Building.

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

ORDERS FOR TUESDAY, JUNE 23, 2009

Mr. MERKLEY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business with Senators per-

mitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; further, that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

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

PROGRAM

Mr. MERKLEY. Madam President, tomorrow we will work on an agreement to consider the Legislative Branch appropriations bill. If we are able to reach an agreement, we could have votes in relation to the bill.

Earlier today, the majority leader filed cloture on the nomination of Harold Koh to be legal adviser of the State Department. If we are unable to reach an agreement to consider the nomination, that cloture vote would occur Wednesday morning.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Madam 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 7:02 p.m., adjourned until Tuesday, June 23, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CHARLES F. BOLDEN, JR., OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE MICHAEL D. GRIFFIN, RESIGNED. LORI GARVER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE SHANA L. DALE, RESIGNED.

DEPARTMENT OF ENERGY

WARREN F. MILLER, JR., OF NEW MEXICO, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY, VICE EDWARD F. SPROAT III, RESIGNED.

DEPARTMENT OF STATE

JOHN R. BASS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA.

ERTHARIN COUSIN, OF ILLINOIS, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U. S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

JAMES B. FOLEY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

KENNETH E. GROSS, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

JERRY P. LANIER, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

TEDDY BERNARD TAYLOR, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.