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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 7, 2009, at 2 p.m.

Senate

MONDAY, JULY 6, 2009

The Senate met at 2 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.

Almighty God, architect and creator of our destinies, we marvel at Your power, majesty, and might. From the beginning, Your grace has underlain the foundations of our lives, so we ask that You would lead us in the paths of Your purposes.

Today, awoken in our lawmakers the ability to see the opportunities that exist in the challenges they face. May this knowledge motivate them to move forward with faith and optimism. Lord, show them unused resources that can be mobilized to solve problems and to make dreams come true. When they experience doubts and uncertainties, give them the wisdom to ask You for Your guidance that will save them from all false choices.

We pray in Your great 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, July 6, 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.

Following that morning business, the Senate will resume consideration of H.R. 2918, the Legislative Branch Appropriations bill. Senators should expect at least two rollcall votes to begin at about 5:30 this evening. Those votes will be in relation to the McCain amendment and passage of the Legislative Branch Appropriations bill.

There are a few other amendments in order, but I have been told by the man-

ager of the bill, Senator NELSON, that he doubts there will be other rollcall votes.

We hope to reach an agreement to begin consideration of the Homeland Security Appropriations bill tomorrow.

ACCOMPLISHMENTS AND CHALLENGES

Mr. REID. Mr. President, I, of course, wish to welcome you and all my colleagues back after the July 4 recess. Now we are closer to the end of this year than the beginning of this year. We have much to be proud of, but our time is short and we have much to do in the coming weeks and months. So far this year we started to get our country back on track by passing bills that have already started to revive our economy. Have we revived it enough? Of course not. But what position would we be in, what kind of financial meltdown would the world be in, had we not moved forward? We have already started to strengthen our national security. We have started to protect our environment. We have started to demand accountability from government agencies and entities. We have started promoting equality and ensuring progress, as America returns to being positively viewed by the world community.

Norman Ornstein, a resident scholar at the conservative American Enterprise Institute, calls this Congress "as active and productive as any I can remember." He went on to say: "The number of major bills passed and enacted into law—serious, sustained activities in areas of broad, complex and

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



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critical importance—are all truly impressive.”

Some pundits have said the work we have done so far this year is unmatched except during the first year President Franklin Roosevelt was in office. I can assure Republicans that this serious, sustained activity will not stop. We will finish this year in the same active, productive way in which it started, and I encourage my Republican colleagues to join us. I am confident the steps we have taken in the first half of this year, and that we will continue to take, will certainly anchor our recovery. It has anchored our recovery and it will do even more so. But I also know we must keep going. We must do more, lots more.

One of the most important steps we can take is reforming health care and doing so the right way. It has to wind up being health care reform that helps the middle class, that helps everyone, not just reform to take care of those who have none. It has to be a program that takes care of those who are afraid they are losing their insurance and those who have lost their insurance. That is why we will soon bring to the Senate floor a plan that lowers the high cost of health care. We will also make sure every American has access to quality, affordable care, and we will make sure people can still choose their own doctors, hospitals, and health plans.

We will no longer let insurance companies use a patient's preexisting condition as an excuse to deny the needed coverage, and we will help small businesses give their employees health care while keeping costs as low as possible. We are committed to a plan that protects what works, fixes what is broken, and ensures that if you like the coverage you have, you will be able to keep it. We will lower costs by preventing disease in the first place, reducing health disparities, and encouraging early detection and effective treatments that save lives and money.

This is the year we must act, and when we do we must act as partners, not partisans. Rising health care costs and the risk of losing one's health care is now greater than ever. The status quo is unacceptable. Doing nothing is not an option because the costs of inaction are too great.

Americans are paying too much for health care. They can lose this health care they have with just one pink slip, one accident or one illness. Every day, more Americans go bankrupt or lose their homes trying to stay healthy, and every year we do not act health care costs increase by the billions of dollars. We must, and we will, pass health care reform.

But health care is not the only issue on our agenda. We will also continue working on a number of appropriations bills to keep our government running, funding our government. With Republican cooperation, we can finish these bills, starting today by funding the legislative branch and tomorrow by doing

the same for the Department of Homeland Security. We will continue working to confirm President Obama's many nominees for critical positions, including his outstanding nominee for the Supreme Court, Judge Sotomayor. Those who have chosen to serve our country must be able to get to work without delay. We have far too many nominees who have not moved forward because of Republican holds.

The Independence Day holiday was one where all Americans observed the birth of our country. The Independence Day holiday was one that reminded us of the debt we owe to the first patriots who stood for liberty and the many who died for liberty. Brave Americans have never stopped sacrificing so we can now know the self-evident truths and exercise the inalienable rights Jefferson described.

Keeping the Department of Defense strong is one of the ways we can support and thank those patriots. This work period we will do just that by passing the Department of Defense authorization bill.

The revolutionary document Congress adopted on July 4, 1776, declared that power derives from the consent of the governed. In the 233 years since that day, we have also learned we must govern by consensus. Although we will discuss, debate and disagree, I urge my colleagues to remember that finding common ground is in our common interest. I ask them not to forget that the governed, those who sent each of us here, sent us with their hopes we will work with each other, not against each other.

Finally, let me say that the long Senate race in the State of Minnesota is over. Al Franken will be sworn in as a Senator tomorrow before the weekly party caucuses. History will write about that race for generations to come. Three million votes were cast by hand. The recount was long, deliberate, and fair. Al Franken won by 312 votes.

He is a good man. He is someone who is extremely smart—he is Harvard educated. He had chosen as his life's work the entertainment world. He has been on many USO caravans and trips. He has a great love for the American soldier. I met with him in my office today, and I was so impressed that his first piece of legislation is going to be one involving veterans—unique and very important.

I want everyone within the sound of my voice to understand that we have 60 Senators on the Democratic side. That means that now more than ever we have to work together. We have no intention—I have no intention of running roughshod over the Republicans. I think we have proven that during this first 6 months. We want cooperation from the Republicans, we deserve cooperation from the Republicans as they do from us.

I started my remarks by talking about what a terrific legislative session it has been so far. We have accomplished, I repeat, as much as any other

legislative first 6 months, other than the first Roosevelt year. We have accomplished all that, and we needed Republican votes to get it done. We haven't gotten a lot of Republican votes—I wish we had gotten more—but we have gotten enough to get it done.

I hope in the next few weeks we all realize we have so much important work to do. I laid that out with my remarks here today. We have to get as many appropriations bills done as we can; we have to finish the Defense Department bill; we have to do health care reform; we have to do Judge Sotomayor. We have a huge schedule. As I have said and we all know—everyone has been alerted, this is no message the people have not heard—this period is going to be a long hard slog.

We have lots to do. We are going to be working in the evenings, Mondays and Friday—weekends, if necessary, to get all our work done.

I say to my Republican colleagues I, of course, am very thankful for Al Franken. It is terrific that Minnesota now has two Senators. For over 8 months, they have gone with just one. But I repeat, this is not the time for people to be arrogant or attempt to throw their weight around. Things have not changed. We still need to work together. That is what the American people want and that is what the message is to my Republican colleagues.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. 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. KYL. 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.

SOTOMAYOR NOMINATION

Mr. KYL. Mr. President, we have heard some debate recently centered on whether it is appropriate for judges to consider foreign law and public attitudes when interpreting our U.S. Constitution and laws.

In our constitutional system, the American people, through their elected representatives, make the laws by which we are governed. As James Madison said in *Federalist* 49:

The people are the only legitimate fountain of power, and it is from them that the Constitutional charter, under which the several branches of government hold their power, is derived.

Judges have the responsibility to faithfully interpret the Constitution and the laws that have been adopted through our democratic processes. Again, judges do not make the law, they interpret it.

Within our constitutional structure, the growing idea of using foreign law to interpret our own laws and Constitution is troubling and problematic for two main reasons:

First, as Chief Justice John Roberts pointed out during his confirmation hearings, the consideration of foreign law by American judges is contrary to the principles of democracy. Foreign judges and legislators are not accountable to the American electorate. Using foreign law, even as a thumb on the scale, to help decide key constitutional issues devalues Americans' expressions through the democratic process. An analogy would be to allow noncitizens to vote in our elections, thus devaluing the votes of every American.

Second, even if the use of foreign law were not inconsistent with our constitutional system, its use would free judges to enact their personal preferences under the cloak of legitimacy. If an American judge wants to find a foreign judicial decision or legislative enactment consistent with his or her preferred outcome in a case, he or she could find it in the laws of at least 1 of the 192 United Nations member states. That would be judicial activism compounded by the error of using inappropriate precedent.

As we soon begin the consideration of Judge Sonia Sotomayor's nomination to the Nation's highest Court, both the American people and the Senate deserve to know where she stands on the issue of the use of foreign law to interpret the U.S. Constitution. Although we do have some materials that suggest her views, we are still waiting on a number of important documents that will help us better understand her views. For example, in response to the Senate Judiciary Committee's questionnaire, Judge Sotomayor identified 200 public speeches or remarks she has given. Of those, we have not received a draft, video, or a sufficient topic description for more than 100 of them. These include four occasions in which she publicly spoke on the issue of foreign law. On one of these occasions, Judge Sotomayor apparently participated in a panel discussion with foreign judges at St. John's Law School in November of 2006. According to her Judiciary Committee questionnaire, she said she "spoke on the permissible uses of international law by American courts." And in October 2008, Judge Sotomayor participated in a roundtable discussion at New York University's law school on the "Dynamic Relations Between International and National Tribunals."

With hearings scheduled to begin in a couple of weeks, getting this information is critical to our understanding of her judicial philosophy. The most notable of the materials we do have is a 22-minute speech Judge Sotomayor gave to the ACLU of Puerto Rico on April 28, 2009, entitled "How Federal Judges Look to International and Foreign Law Under Article VI of the U.S. Constitution." From that speech, we begin to see how foreign law could shape Judge Sotomayor's jurisprudence in the future. Her views were not casual observations but directed to this specific topic. In this speech, she says:

[I]nternational law and foreign law will be very important in the discussion of how we think about the unsettled issues in our own legal system. It is my hope that judges everywhere will continue to do so because . . . within the American legal system we're commanded to interpret our law in the best way we can, and that means looking to what other, anyone, has said to see if it has persuasive value.

What on Earth does this have to do with judging, asking what "anyone has said to see if it has persuasive value"? How about using the traditional rules of judicial construction, precedents, and our judicial tests based on our common law heritage.

Judge Sotomayor also reveals that she believes foreign law is a source for "good ideas" that can "set our creative juices flowing." Deciding an antitrust case or a commerce clause dispute or an Indian law issue or an establishment of religion case does not require "creative juices." Indeed, it could interfere with specific rules of construction or application of precedent. But Judge Sotomayor says that not considering foreign law would be "asking American judges to close their minds to good ideas." What is "closedminded," I would ask, about requiring that American judges interpret our laws and our Constitution? That is what they take their oath of office to do.

Let's also remember that Judge Sotomayor has previously stated that appellate courts are "where policy is made." When you combine the notion that judges may usurp the legislative power of policymaking with the view that foreign law is an incubator of creative ideas for a judge to employ as he or she sees fit, you open the door to the worst form of judicial activism, one completely untethered from American legal principles. Judges do not have the responsibility of finding new good ideas that would make good policy. That is the role for our elected representatives. The ideas expressed by Judge Sotomayor threaten to undermine a system that has served us well for over two centuries.

Judge Sotomayor went on in the same ACLU speech to criticize two sitting justices and align her views with those of Justice Ginsburg, who recently endorsed the use of foreign law at a symposium at the Moritz College of Law at Ohio State University.

Specifically, Judge Sotomayor stated that "[t]he nature of the criticism

comes from . . . a misunderstanding of the American use of that concept of using foreign law and that misunderstanding is unfortunately endorsed by some of our own Supreme Court justices. Both Justice Scalia and Justice Thomas have written extensively criticizing the use of foreign and international law in Supreme Court decisions. . . ."

She continues: "I share more the ideas of Justice Ginsburg in thinking . . . that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world. Justice Ginsburg has explained very recently . . . that foreign opinions . . . can add to the story of knowledge relevant to the solution of a question, and she's right."

Judge Sotomayor's rationale for judges looking to foreign law—so that the United States does not "lose influence in the world"—is absolutely irrelevant to the role of judges in America. It is the province of the President and the legislative bodies—not activist judges—to make policy and manage foreign affairs.

In defending the Supreme Court's use of foreign law, Judge Sotomayor made an astonishing argument: Courts, she said, "were just using that law to help us understand what the concepts meant to other countries, and to help us understand whether our understanding of our own constitutional rights fell into the mainstream of human thinking." But the words of our Constitution were not intended to reflect the "mainstream of human thinking." Think about mainstream public opinion in Europe, Asia, Africa, and South America at the end of the 18th century. Even today, it is doubtful the United States would be satisfied being governed by the thinking of most of the governments in the world, such as China, much of the Muslim world, and the dozens of kleptocracies around the world.

As I noted in my remarks that related my concerns about Harold Koh's views on foreign law, if the Founding Fathers had been given to transnationalism, America would not be the leading light of freedom in the world that it is today. Nor would it be a leader in convincing other nations to protect free speech, assembly and other political freedoms, such as are being asserted in Iran right now.

Do we really want judges to look to the laws of foreign countries when deciding our most treasured, constitutional provisions, such as, for instance, the Second Amendment? I do not, and the American people share my view. Judicial activism is not a popular concept.

While I do not intend to judge her qualifications to decide cases on the U.S. Supreme Court based on this one speech, I believe it is fair to ask what else she has said on the subject. There are apparently other speeches that we do not have. The nominee should either

find these speeches or ask whether there are other records—for example, transcripts, tape or video recordings, press accounts, and so on—that would indicate whether her April 28 speech is indicative of her approach to judging.

As we begin to consider the nomination of Judge Sotomayor, we will need this information to properly evaluate her qualifications, especially as it relates to her view that using foreign or international law is an appropriate way for U.S. Supreme Court Justices to interpret the U.S. Constitution.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. I ask unanimous consent to speak for 15 minutes.

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

BURMESE PYTHONS

Mr. NELSON of Florida. Mr. President, tragedy has struck. It is not like we haven't been warned. With the proliferation of the Burmese python being brought into the United States, these pythons people buy as pets, and then they get so big that the people don't want them around the house anymore and they release them. Of course, in south Florida they are releasing them into a natural habitat which is the Florida Everglades, so much so that the superintendent of the Everglades National Park has now estimated that they have proliferated to the tune of 150,000 to 180,000 of these Burmese pythons.

When Secretary Salazar came down a month ago for us to take him into the Everglades so he could see that extraordinary feature of Mother Nature, the river of grass, we took him in an airboat out across this river of grass. We also wanted to show him what is lurking beneath that grass now. We took him to two captured Burmese pythons. One was about an 8 footer and another one was a 16 footer. A 16-foot Burmese python in his midsection is that much in diameter. It took three grown men to hold that python. The oldest registered Burmese python in captivity has grown to 27 feet. Indeed, an 18 footer was captured and killed in the Everglades, and it was a female. They found inside of her 56 eggs that were ready to hatch. That is why we have a proliferation.

We have spent a lot of money, along with the State of Florida, to restore the Everglades, one of the great natural wonders of the world. Mankind, over the course of three quarters of a century, has diked and drained the Everglades, and we are trying to restore them now. But here we have an invasive species that has been introduced that is upsetting the entire ecological balance. Already we have found, for example, somehow a Burmese python swam across the ocean to Key Largo in the upper Florida Keys. They found inside this Burmese python the endangered Key Largo wood rat. They

have found a full size bobcat. They have found a full size deer. Indeed, the Burmese python is at the top of the food chain. These pythons, in fact, get into fights with alligators, and they found inside one of the Burmese pythons a 6-foot alligator.

I want to show what I am talking about. I want colleagues to see this critter. This is only a 6 footer. This Burmese python is 2 feet shorter than the Burmese python 4 days ago that, after it had escaped from its glass container at midnight, the man of the house found missing. He went and got the Burmese python, put it back in the container and, unfortunately, did not secure the top of the container, put, if we can believe it, a quilt over the top and secured down the edges of the quilt. Guess what an 8-foot Burmese python can do coming out of a glass container? Tragedy struck, because that python slithered throughout the house and up into a baby crib where there was a 2-year-old little girl named Shaiunna Hare. That Burmese python attached its fangs to the forehead of that child and then did what they do, wrapped its body around the body of the little child and proceeded with all of that muscle to strangle the child to death. This is what we have been saying was going to happen. This happened with a domestic pet in a home. This is what is capable of happening with 180,000 of these pythons in the Florida National Everglades Park.

Sooner or later, a Burmese python will get the endangered Florida panther. Sooner or later, for an unsuspecting tourist in the Everglades National Park, there will be an encounter with a human. Tragically, it took this event of the strangulation by one of these snakes of a child within her own home in the child's crib to bring this to our attention.

This Wednesday there will be a hearing in the committee chaired by Senator BOXER. I will be testifying. I will bring further evidence than these photographs. Here are wildlife officers encountering a snake with an attachment that grabs the snake from right behind the head. In this case, it is probably a 6½ footer—relatively small. But we can see the size. This is solid muscle. That is why these constrictor snakes have the capability of asphyxiating their prey before they then consume their prey. We have heard the old adage, a pig in a python. That is exactly what it is. Once they asphyxiate their prey, then their jaws are capable of totally opening and they ingest the entire victim into their body. There is the old phrase: a pig in a python with the hump. That is exactly what it is.

That is the alligator that was found, the 6-foot alligator, within the stomach of the snake. That is the same thing.

There is something we can do about this. No. 1, the U.S. Fish and Wildlife Service has the capability under law now to declare this an injurious species. Since they have been studying

this for the last 2½ years and have still not acted, although I believe that Secretary of the Interior Salazar is getting them off dead center and is going to get them to start moving, there is something else we can do. We can change the law. We can stop the importation by changing this from being a species that is allowed to be imported into one that is injurious. That change of definition in the law would stop the importation of these snakes into this country and would stop the exporting of these snakes from one State across State lines to another.

The State of Florida has a registration fee. They now require the implantation of a chip so that if the snake gets loose, we will have a chance of chasing it down. Nevertheless, when we have 150,000 to 180,000 of these snakes in the Everglades National Park alone, we can see that the ecological balance of Mother Nature is definitely being upset. We must change it. We must do it quickly.

Therefore, in front of the Boxer committee will be the legislation I have offered with a number of other Senators, trying to put a halt to the things that led to this tragedy of this little girl being strangled to death by a Burmese python.

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

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

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, over the past several weeks, Americans have heard a number of proposals for reforming health care, and they are increasingly concerned about many of the details. Americans want reform, but they want the right reform, not a reform that ends up costing them much more for worse care than they already receive. Unfortunately, the government-run plan that some are proposing would do just that.

A government-run plan would force millions of Americans to give up the care they currently have and replace it with a system in which care is denied, delayed, and rationed. Instead of increasing access and quality, it could limit access and options. It could lead us into deeper debt. And millions could well remain uninsured.

Americans are skeptical about all of this. They do not want to be forced to

change the coverage they have for a government system they do not particularly want. Some of the advocates of a government plan are beginning to sense this growing public opposition to their proposal. But rather than make their case on the merits, they are basing their arguments on the urgency of the moment.

We keep hearing that time is running out, that the clock on reform is about to expire, that the entire health care system and the whole economy will soon collapse without this particular reform. Well, we have been down this road before.

Earlier this year, we heard the same dire warnings about the stimulus. If Congress did not pass the stimulus, we were told, unemployment would continue to rise and the economy would continue to falter. We did not just have to pass it, we had to pass it right away. The results are now coming in: higher unemployment, soaring job losses, higher debt, huge deficits, and growing fears about inflation.

Many of us saw this coming. That is why we proposed an alternative stimulus that would not add a trillion dollars to the debt and would have gotten to the root cause of our economic problem, which is housing. That is why in the debate over health care Republicans are proposing reforms that would make health care more accessible and less expensive without destroying what people like about our health care system and without sending the Nation deeper and deeper into debt.

Every cost estimate we have heard about the administration's plans for health care is astronomical. The administration realizes this is a problem, and yet they have no good plan for covering the cost. Some of the ideas that have been floated are a series of taxes, including a tax on soft drinks. But even that would not come close to covering the cost. So they have been looking frantically for money, and the target they seem to have landed on is Medicare—the government health plan for the elderly.

Last month, the administration proposed hundreds of billions of dollars in cuts. It said by taking this money out of Medicare and putting it into a new government-run plan for all Americans, we could help pay for health care reform. Not only is this aimed at concealing the cost of the new government plan, it is also a reckless misuse of funds that should be used to stabilize Medicare instead.

Weeks before the administration proposed its cuts to Medicare, the government board that oversees this vital program issued an urgent report on its looming insolvency. Let me say that again. Just weeks before the administration recommended Medicare cuts in order to pay for a new program, the government board that oversees this program issued an urgent report on its looming insolvency. Already, Medicare is spending more money than it is tak-

ing in. It runs out of money altogether in 8 years. And over the coming decades, Medicare is already committed to spend nearly \$40 trillion that it does not have.

If there were ever a crisis that cannot wait another day for reform, it is Medicare. Yet rather than do the hard but necessary work to put this program on a sound financial basis, the administration wants to take money away from it and use it to create an entirely new government-run system that would presumably have the same fiscal problems down the road that Medicare has today. This makes no sense whatsoever.

Savings from Medicare should be put back into Medicare—not a government plan that could drive millions of Americans out of the private health care plans they have and like and lead to the same kind of denial, delay, and rationing of health care that we have seen in other countries.

We must be committed to reform but not a so-called reform that raids one insolvent government-run health care program in order to create another insolvent government-run health care program. The administration should be applauded for trying to fix what is wrong with our Nation's health care system, but it needs to slow down and take a deep breath before taking over what amounts to about one-sixth of our Nation's economy with a single piece of legislation that lacks bipartisan support.

The administration rushed ahead with a poorly conceived stimulus plan that added a trillion dollars to the national debt and has not stopped half a million Americans a month from losing their jobs. It should learn from that and not rush a poorly conceived health care plan with money we do not have. We do not need more rush-and-spend policymaking. We need to reform health care, but we do not need to weaken Medicare to do it. We can reform both, but we should start with Medicare.

At a time when Americans are increasingly concerned about the future of health care and also about a political system in which they see fewer and fewer checks on the party in power, now would be the ideal time to advance a truly bipartisan reform. The President has repeatedly expressed openness to reforming Medicare in the past. We stand ready to work with him to strengthen and preserve Medicare if he chooses to follow through on those assurances.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Republican leader on his remarks. I remember Senator McCONNELL's first address following President Obama's election at the National Press Club. It was to the President, saying: Mr. President, we look forward to working with you, and the pressing issue is the entitlements fac-

ing this country, the automatic spending that means more and more and more debt.

I would ask the Republican leader whether there has been any response from the administration to him about the opportunity to work together across party lines to deal with Social Security which, as I remember in January, was your proposal?

Mr. McCONNELL. I say to my good friend from Tennessee, unfortunately, there has been no followup whatsoever. There seemed to be, on the part of the President and the President's Chief of Staff at the beginning of the administration, a willingness to support the Conrad-Gregg proposal, which would have given us a way to get a handle on at least Social Security—they did not seem to want to deal with Medicare, and I think we now know why—at least Social Security, with an expedited procedure and an up-or-down vote guaranteeing a result. But I would say to my friend from Tennessee, there has been no word on that lately.

Mr. ALEXANDER. Mr. President, in my visits in Tennessee this past week, if I heard two things, one was too many Washington takeovers; the other was too much debt. I found in people—and I hesitate to use the word—a great deal of fear about the amount of debt we are piling up here in Washington.

Mr. McCONNELL. Mr. President, I think there is a genuine alarm. Americans see the government now running banks, insurance companies, automobile companies. The Senator from Tennessee points out student loans. Now they fear the government wants to take over health care as well. I think there is a growing suspicion that this is exactly the wrong way to go.

Mr. ALEXANDER. Mr. President, I thank the Senator for his comment about checks and balances. There is something innate in the American character about checks and balances. Alexis de Tocqueville warned, in the early 1800s, about the tyranny of a majority. We like to see results, but we do not want to see one party or one faction run away with policy. We seem to know it is better if there is a check and a balance. And the genius of the American system is we have many checks and balances.

I wonder, Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes remaining.

Mr. ALEXANDER. I thank the Acting President pro tempore.

NUCLEAR POWER

Mr. ALEXANDER. Mr. President, health care is not the only issue before the Senate. We have the nomination by the President of a distinguished jurist, Judge Sotomayor. Hearings will begin next week on whether she should be confirmed for the Supreme Court.

Tomorrow, the Senate, in the Environment and Public Works Committee,

begins discussion on climate change and global warming—a subject we have talked about a lot. The House of Representatives has made that an issue by passing, about 10 days ago, another one of these bills that by all reports no one in the House of Representatives read before it was passed—1,200 pages served up the day before they voted. They voted and sent it on over to us. So we have energy and climate change to deal with, which is the subject of my remarks this afternoon.

My question is this: Why is Congress and, to a great extent, the administration ignoring the cheap energy solution to global warming—nuclear power?

Consider this: No. 1, coal-burning powerplants produce about 40 percent of carbon, and carbon is the principal greenhouse gas causing global warming. That is the first fact.

Second, nuclear powerplants, which produce only 20 percent of all of our electricity in America, produce 70 percent of our carbon-free, pollution-free electricity.

So coal-burning powerplants produce 40 percent of the carbon, and nuclear powerplants produce 70 percent of the carbon-free electricity, and our goal is to get rid of the carbon to slow down global warming. I think that is the goal anyway.

So if that is the goal, if global warming is your issue, why not build 100 new nuclear powerplants during the next 20 years to deal with it? Nuclear power costs less than one-half cent per kilowatt hour to produce, which means it is cheap enough to pay for building the plants and will still leave electric rates low.

The rest of the world seems to understand this a little better than we do in the United States today. France gets 80 percent of its electricity from nuclear and has among the lowest carbon emission rates and electricity prices in the European Union. The United States—our taxpayers—is helping India and China build nuclear plants. Japan is building one nuclear plant a year. The President has even said that Iran has the right to build nuclear powerplants. But the United States has not built one new nuclear plant in 30 years, even though we invented the technology.

So instead, the House of Representatives, 10 days ago, chose the high-cost solution to the climate change energy dilemma, narrowly passing an economywide so-called cap-and-trade bill, the Waxman-Markey bill. This is a job-killing \$100 billion a year new national energy tax, which would add a new utility bill to the budget of every American family.

The House also mandated the use of solar and wind power, which is 6 percent of our carbon-free electricity. Remember, nuclear is 70 percent of our carbon-free electricity. So the House, ignoring nuclear, says: Let's expand solar and wind, which is 6 percent of our carbon-free electricity, even though both are more expensive and more unreliable since solar and wind

power cannot be stored today, which means you have to use it when the Sun shines and the wind blows. Wind, especially, barely works in some parts of the country, such as the Southeast.

So the choice is between a high-priced or a low-priced clean energy strategy. I think we all want a clean energy future, but do we want a deliberately high-priced clean energy future or a low-priced one? High pricers want taxes and mandates. Cheap energy advocates—almost all Republicans in Congress and some Democrats, and I hope a growing number—say build nuclear plants and double research to make renewable energy cheaper and reliable. High-priced energy sends American jobs overseas looking for cheap energy. I see that in all of the auto plants we have in Tennessee, and the auto suppliers. They are operating on a very thin margin. Add a little cost and those cars and trucks are built in Mexico and Japan instead of Tennessee and Michigan.

Cheap energy not only creates jobs, it will reduce global warming faster than taxes and mandates. Here is why: 100 new plants in 20 years would double U.S. nuclear production, making it more than 40 percent of all electricity production. Add 10 percent or so for Sun and wind and biomass, another 10 percent for hydroelectric, and we begin to have a cheap as well as a clean energy policy.

Some predict renewable sources will be 20 percent of electricity in 20 years. I predict it will be about half that, after Americans understand its costs and its lack of reliability and they begin to see what some conservationists are calling the “renewable energy sprawl”—50-story wind turbines along the foothills of the Great Smokey Mountain National Park and the Blue Ridge Parkway and the Shenandoah Valley and solar thermal plants 5 miles wide next to national parks, all with big new transmission lines. Plus, since the Sun shines and the wind blows only about one-third of the time—remember, you can't store it—we will still need nuclear plants for base load power.

Step 2 for a clean and cheap energy policy is to electrify half our cars and trucks. There is so much unused electricity at night, we can also do this in 20 years without building one new powerplant if we plug in vehicles while we sleep. This is the fastest way to reduce dependence on foreign oil, keep fuel prices low, and reduce the one-third of carbon that comes from gasoline engines.

Step 3 is offshore exploration for natural gas—that is low carbon—and oil. We should use less but use more of our own.

Finally, we should double energy research and development to make renewable energy such as solar more cost competitive.

Obstacles to nuclear power are diminishing. Used fuel can be stored safely onsite for 40 to 60 years while sci-

entists figure out the best way to reduce its mass and recycle or reuse it. New plants can be one-tenth the size and one-tenth the cost of the big ones we are accustomed to today and can be put together at an American factory and shipped to the site and assembled like Lego blocks—all of this American made—and with air cooling towers, not water cooling, and the towers are only two stories tall.

I have introduced legislation to deal with global warming ever since I came to the Senate, but I am not in favor of economy-wide cap and trade. It is unnecessary. It is complex. It has unintended consequences. Our economy can't tolerate it. A simpler way to do it would be to focus on smokestacks, tailpipes, and find alternative ways to deal with the coal and the oil we want to use less of. We have that with tailpipes, cars, and trucks. We can shift to electric cars and trucks and the cost to the consumer will be as low or lower as they plug in at night to electricity. We also have that with smokestacks. We can shift some of our dirtiest coal plants to nuclear power, and instead of increasing the cost of energy, we could keep it steady or probably reduce it. So why would we want to deliberately proceed with a high-cost energy strategy when cheap energy is the key to our national security, to rebuilding our economy, and the key to so much of what is important to America's future?

There is an old rule of thumb that sometimes in government we take a good idea and expand it until it doesn't work. I am afraid we are doing that with renewable energy—which is a good idea—the idea of putting up your own windmill in your backyard, put some solar panels on your roof, use biomass, and cut your energy costs and cut your use of fossil fuels. That is a good idea, but it is only going to produce a small percentage of what we actually need to run a country such as this which uses 25 percent of all of the energy in the world.

Biomass, for example, to produce the amount of energy that one nuclear powerplant produces, you would have to forest continuously an area the size of the entire Great Smokey Mountain National Park, which is 550,000 acres. To produce enough electricity to equal a nuclear powerplant from solar power you would have to cover an area about the size of 270 square miles, and that is 5 or 6 miles on each side. The same with wind, or the same with hydroelectric, and we are not going to be building any big, new reservoirs anymore of that size.

So we should take what we can get in appropriate places of wind and solar and biomass. We should put a few turbines in the Mississippi River and pick up some megawatts for the TBA, for example, but that is a few hundred megawatts for a system that needs to produce 27,000 megawatts of reliable, low-cost, clean electricity every year.

The only technology we have available to produce large amounts of clean,

reliable electricity in the next 20 years is nuclear power. We invented it. We know how to use it. The rest of the world is taking advantage of it. Why don't we? Especially in this economy, when we have nearly 10 percent unemployment, when in Tennessee and Virginia and in the Midwest we are trying to find ways to rebuild the economy, when we know that cheap energy is the key to new jobs and that high-priced energy drives jobs overseas looking for cheap energy, why are we ignoring the cheap energy strategy for dealing with global warming, cheap energy based on nuclear power, No. 1; electric cars and trucks, No. 2; offshore drilling for natural gas and oil which we are still going to need, and pushing ahead with mini Manhattan projects in energy research and development to figure out renewable energy and help make it cost competitive while we move ahead?

This is not only the fastest way to increase American energy independence, clean the air, and reduce global warming, it is the best way to help strained family budgets and a sick economy with 10 percent unemployment.

I thank the President, I yield the floor, and I note 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. NELSON of Nebraska. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. NELSON of Nebraska. Mr. President, I ask for the clerk to report the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2918, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Nelson (NE) amendment No. 1365, in the nature of a substitute.

McCain amendment No. 1366 (to amend No. 1365), to strike the earmark for the Durham Museum in Omaha, NE.

Mr. NELSON of Nebraska. Mr. President, we are returning to the Legislative Branch Committee bill for further consideration today. It is my understanding that my colleague from Oklahoma has an amendment he would like to offer. He was here. Perhaps he will rejoin us shortly.

To recap, this is the legislative branch bill, which has a number of different important issues in it, not the least of which is the fact that when you compare the percentage of increase this year with previous years, it is an effective 2.4-percent increase. We controlled the growing costs associated with the new Visitor Center, which were significant in the last budget.

Let me, at this point, yield to the Senator from Oklahoma.

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

AMENDMENT NO. 1369 TO AMENDMENT NO. 1365

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about the legislative branch and us and where we find ourselves. I do have an amendment and I appreciate the consideration of it.

Right now, the average income in this country is down four-tenths of 1 percent this year. Historically, people wonder why Congress cannot control spending. They cannot control spending because they cannot even control their own budget. We are going to see about a 3.2-percent increase in the bill. The House is coming in at 6.1. In conference, we will decide what the legislative branch increase in expenses is on the American public. The reason that spending is out of control and the reason we are shackling our grandchildren with an enormous amount of debt—another \$5 trillion in the next 5 years—is because we don't even do a good job managing our own office budgets.

I am on the floor a lot complaining about wasteful spending, earmarks, and other issues. I don't do that without setting the proper example in my own office. I have been here 4 complete years. I am in my fifth year. During that time, I have turned back, in 2005, \$321,000; in 2006, \$529,000; in 2007, \$516,000; and in 2008, \$491,000—about 16 to 17 percent of my budget.

If I can do that, the question the American people ought to ask is: Why can't everybody up here do that? Why can't we manage our own legislative branch expenses? With the economic environment in which we find ourselves today, the American people ought to be asking what are our elected leaders doing to cut their expenses because we are borrowing a good portion of this money. Why are we not setting an example? If we don't do it, then we are certainly not going to have the various Federal agencies do it.

If you look at spending increases, outside the omnibus and the Recovery Act, Congress increased spending almost 7.2 percent last year. The budget has in it 7.3 percent. That is three times the rate of income growth prior to this recession. Yet we are growing the government three, four times faster, and we are growing our own budgets two and a half or three times faster. This time, it will be five or six times faster than Americans' income is growing.

The question has to be asked: If we are not good stewards with our own of-

fices, how can we be good stewards with the money entrusted to us?

Mr. President, I call up amendment No. 1369 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1369 to amendment No. 1365.

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

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

The amendment is as follows:

(Purpose: To require expenditures by every Senate office be posted online for the public to review)

At the appropriate place, insert the following:

SEC. ____ . REPORTING REQUIREMENT.

Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88-454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking "shall" and inserting "may"; and

(2) by adding at the end the following:

"(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

"(1) shall publicly post on-line on the website of the Senate each report in a searchable, itemized format as required under this section;

"(2) shall issue each report required under this section in electronic form; and

"(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate."

Mr. COBURN. Mr. President, this is a very simple amendment. It says we will take the money we spend and make available online to the American people how we spent it. Right now, there are a limited number of books published. We transfer it from computers to a book, but we don't give it to the American people so they can see how we are spending money on our office accounts. Senators NELSON of Nebraska and REID have graciously said they support this amendment. We will have limited debate.

The one way to get this spending under control in our individual offices, as well as in the Federal Government, is to make available to the American people how we spend it. So my hope is this will be a short period of time, and at the end of this year, the American people can go on a Web site and see how TOM COBURN spent his money, in terms of running the office of the junior Senator from Oklahoma. I think they will find I am as frugal with their money in my office as I am trying to be frugal on the floor when it comes to wasteful spending. There is \$350 billion worth of waste that will go through this year, without one stroke of it being eliminated—\$350 billion worth of waste and not one legitimate stroke will be eliminated as we go through the Appropriations Committees and the President's budget—and he is trying to eliminate some. But we won't even do a line-by-line review.

I hope we will accept this amendment and lead by example, and the American people can hold us accountable for how we spend their money.

With that, I yield the floor.

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

Mr. NELSON of Nebraska. I know of no further debate on the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1369) was agreed to.

Mr. NELSON of Nebraska. 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. BARRASSO. 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.

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

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

HEALTH CARE REFORM

Mr. BARRASSO. Madam President, when it comes to health care, Democrats and Republicans all agree that we need and we want health care reform. Having practiced medicine for over two decades in Wyoming, I know that doing nothing is simply not an option. But let me tell you from experience that the devil is always in the details. We must be careful, we must be thoughtful, and we must be deliberate about the changes we make.

Health care is a very complex and intensely personal issue. It deserves a serious, open, and transparent national debate. Any changes Congress makes are going to impact millions and millions of American families. These are people of our Nation; these are not nameless or faceless statistics; these are husbands, mothers, neighbors; these are our wives, our friends, and our coworkers; these Americans are our children—the Nation's most precious resources.

We must act, but still at issue is whether Congress will act without sacrificing our health care system's greatest strengths. And what are those strengths? The freedom to choose your own doctor, the freedom to choose the hospital you want, and the freedom to choose the health care plan that fits you and fits your family's needs.

I travel home to Wyoming every weekend. I was there yesterday. One of the top issues I hear about is health care. The people of Wyoming are concerned about the cost of their health care. Many families worry they will lose the health care coverage they currently have. Still others can't afford health insurance at all. This is what is

wrong with the current health care system. This is what we need to fix. Wyoming families want to purchase health insurance coverage at an affordable price. They do not want to be denied coverage because of preexisting conditions. They do not want to lose coverage if they change jobs. But most of all, these families do not want Washington telling them—do not want Washington telling them—whom they have to see for their medical care. Everyone should have the freedom to choose the doctor, the hospital, and the health care plan they want. No Washington bureaucrat should ever be allowed to deny that right.

Some in Congress continue focusing solely on government solutions. They want Washington, in its enduring wisdom, to take over health care. Some in Congress want to create a government-run health care plan. Their plan creates a government-run insurance model that could limit patient choice, eliminate personal freedoms, and decrease the quality of care. What starts out as one option could quickly lead to being the only option.

We all know how this happens. Unlike regular health insurance, government health plans have unlimited access to taxpayer money. They can use the money to temporarily subsidize the cost of services, but ultimately someone must pay for the care.

According to the Lewin Group, 119 million Americans would lose the private coverage they currently have if we have a government-run system. I know some in the Senate and the administration keep saying: If you like your insurance coverage, you will get to keep it. The Lewin Group's data proves otherwise. Their study shows that businesses will face a situation where it is cheaper for them to insure their employees through the government-run plan, so employers will then transfer their workers from the private insurance that they currently have—and that they may like—to this new Washington-run government plan. So where is the personal choice? At this point, the individual has no option. The government-run plan is their option, it is their plan, unless that person changes jobs to an employer who is willing or can afford to offer private coverage. So what happened to the "If I like my health insurance plan offered by my employer, I will be able to keep it"? Well, that promise is out the window.

Some say we can create safeguards that will ensure a level playing field between private insurance and a government-run plan. Well, as a doctor, I can tell you from personal experience that the government will never, ever compete on a level playing field with private business. Washington will never let its health care plan go bankrupt. Never. It will lose money, it will hide costs, and ultimately taxpayers will pay the difference. Private plans will not enjoy this same kind of support. That is exactly how the heavy hand of government can drive out competition.

So how does government compete with private business? Well, Congressman MIKE PENCE of Indiana summed it up pretty well. He said: "The government competes with private business the way an alligator competes with a duck."

Supporters of the government-run Washington takeover of health care say the plan will keep costs low. How? By paying hospitals, doctors, nurses, home health agencies, hospice providers, and long-term care facilities less than private insurers pay. This should sound familiar. This is what already happens with Medicare and Medicaid. Any participating Medicare or Medicaid provider will tell you that today, right now, doctors and hospitals have to shift costs onto private insurers just to keep their doors open. The cost shift is to make up the difference between what a procedure costs and what the government is willing to pay for it. That is what they call cost shifting. We see it every day.

A government-run plan will not encourage competition; it will take away your access to private health insurance. The private plans millions of Americans have today—the program they like, the one they want to keep—will be gone. The only choice remaining will be the government plan.

So what does this all mean to someone who is listening in—to the patient? Well, it means politicians will be making health care decisions, not patients making those decisions with their doctors. It means Washington bureaucrats will be deciding whether you can have the hip or the knee procedure you need. It means the government will be saying you cannot have lifesaving medical treatment because it is too expensive or because you are too old. It means Washington will be restricting your and your child's access to the most advanced medical testing equipment. It means testing delays, it means diagnosis delays, and it means treatment delays. Delayed care is denied care, and we do not want that in America.

Take a close look at what is going on in Canada right now. Last year, in Calgary, ophthalmologists—eye doctors—had no waiting lists for people needing cataract surgery. Then Alberta's cash-strapped government made a decision to arbitrarily lower the number of cataract operations it would pay for. They arbitrarily said: We are going to pay for 2,000 fewer cataract operations this year in Alberta than we did last year. So what did that mean for the people there? Well, many patients now have to wait a year for treatment—a year. Why? Well, the cutbacks forced surgeons to cancel all of the operations they had scheduled on people with moderately severe cataract conditions. So now they only book the most severe cases. Ophthalmologists are now concentrating their efforts only on the patients who are about to go blind—not the people who have a hard time seeing, the people about to go blind.

Patients living in Alberta have to almost be going blind to get cataract

surgery. Is that the kind of medical care we want for Americans? Absolutely not. America should strive to offer its citizens the highest quality, most timely health care services in the world. That means Americans should not have to wait weeks at a time for tests and treatments they need. It means no one should be denied health care services because of government limits or government restrictions. It means no government bureaucrat should interfere in the doctor-patient relationship.

Currently, the Senate HELP Committee has been debating a reform plan that has been put forth by Senator KENNEDY and Senator DODD. The non-partisan Congressional Budget Office told us—first, it told us the Kennedy-Dodd plan increases spending by more than \$1.3 trillion in the first 10 years. Once it is fully operational, the 10-year fee would be closer to \$2.6 trillion. The number was staggering. People cried “sticker shock.” What did they do? They tweaked it around a little bit and came out with a new estimate.

They are just guessing. Even more disturbing is the plan is incomplete. The Congressional Budget Office still has additional policies to score to come up with a pricetag. Clearly, this estimate does not reflect the bill's true cost because they left out Medicaid, something they have been forcing onto the States, and Governors all around the country have been crushed by these Medicaid-increased fees and increased expenses.

Ten years and trillions of dollars later, the Congressional Budget Office also tells us this plan only reduces the number of people who do not have insurance by 17 million. That leaves over 30 million Americans still without health insurance, and they are spending \$1 trillion.

Finally, the Congressional Budget Office indicates that about 15 million people would actually lose the insurance they have now, be forced off of their employer-paid-for insurance under this trillion-dollar plan.

To me, this Kennedy-Dodd plan suffers from what I call the three Cs: it costs too much, it covers too few, and it causes too many people who already have insurance to lose the coverage they have.

Some in Congress believe unless we completely dismantle the current health care system and build it up in the image of big government, then reform, they say, is simply not worth doing. I disagree. Americans do not want the same government bureaucracy that has given us the Department of Motor Vehicles controlling our medical decisions. Americans don't want increased bureaucratic hassles, we don't want long waits, and we don't want restrictions on our medical care.

What we need is a serious, transparent health care debate. That is what Americans want. They want us to listen to their ideas, their concerns, their suggestions. The only way they can

give us their ideas, concerns, and specifically their suggestions about a health care bill is if they actually get to read the bill.

Whether we should reform our health care system is no longer in question. Americans have answered with a resounding yes, and they don't want to continue to wait. They want simple, practical, affordable changes now: Changes such as prohibiting the use of preexisting condition clauses, changes such as allowing people to take their health insurance with them when they switch jobs. Madam President, you have a young family; I have a young family. Our children are going to have seven or eight jobs over the course of their lifetimes. They will need to take their insurance with them. We need to have changes such as offering premium breaks for making healthy lifestyle choices, changes such as having the same tax breaks for people who buy their own insurance as big companies get when they pay for insurance for their employees—we need families to have those same tax breaks. We need changes such as allowing people to shop across State lines to look for better deals, keeping their costs down.

I want to continue to come forward with commonsense ideas. I want the majority in Congress to work with me and with members of my party on a bipartisan health reform plan. That is the need. That is the need the country is expecting us to address. That is what I would like to do. We cannot simply put government in charge of health care and put bureaucrats in between patients and their doctors.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1370 TO AMENDMENT NO. 1365

Mr. DEMINT. Madam President, I hope everyone had a good break. I can't say that I am glad to be back, but there are some important things to do. I start by calling up amendment No. 1370, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1370 to Amendment No. 1365.

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

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

The amendment is as follows:

(Purpose: To direct 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)

At the appropriate place, insert the following:

SEC. ____ . ENGRAVING OF THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO IN THE CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of “In God We Trust” in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

Mr. DEMINT. Madam President, this amendment is about the Capitol Visitor Center. Among other things, we all know the new Capitol Visitor Center, which is very beautiful, welcomes folks from all over the country and the world to the Capitol. It includes interesting and valuable museum-style exhibits about the history of the Capitol and Congress. Unfortunately, the way the Capitol Visitor Center has been built and the way the displays have been set up, it conspicuously ignores America's unique religious heritage and the role that heritage played in the founding of the Republic. Indeed, the original exhibits now there seem to suggest the Federal Government was the solution to all our problems and the fulfillment of all human aspirations, as if we were a government with a nation instead of the other way around. Even the national motto was misrepresented—as out of many, one.

My unanimous consent agreement will help correct the record as it is displayed at the Capitol Visitor Center. It will authorize the engraving of our true national motto, which is: In God we trust. It will also order the engraving of the Pledge of Allegiance with its reference to one Nation under God in a prominent position in the Capitol Visitor Center. From the beginning many of us were concerned about what looked like a historical whitewash of our Nation's faith heritage from the Capitol Visitor Center. I thank Senators FEINSTEIN and BENNETT for their support. I have a letter they both signed formalizing our agreement for the historical corrections in my amendment.

I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON
RULES AND ADMINISTRATION
Washington, DC, September 26, 2008.

Hon. JIM DEMINT,
Russell Senate Office Building,
Washington, DC.

DEAR JIM: After many years of anticipation the Architect of the Capitol is preparing for the opening of the new Capitol Visitor Center (CVC) on December 2, 2008.

Delaying the opening of the CVC has serious security implications. The CVC was designed so that public visitors will be screened at one secure location, improving security in the U.S. Capitol for constituents, staff and Members.

Delaying the opening of the CVC also has significant financial consequences. As you are aware, the CVC has already cost \$621 million for construction. The Architect is currently paying the cost of salaries and benefits for staff preparing to open and operate the facility for the American public. Every day the CVC is closed to the public, it will cost the taxpayer \$72,040 in unused staff resources.

In response to your letter dated September 25, 2008, we agree in principle to support engraving "In God We Trust" in stone in a prominent location within the CVC; engraving "The Pledge of Allegiance" in stone in a prominent location within the CVC; and removing the words "Our Nation's Motto" from the Unity panel on the Wall of Aspirations of the Exhibition Hall in the CVC, and replacing it with a new panel.

We recognize that one of your suggestions (renaming "Our Nation's Motto") is a correction, and the "Pledge" and "In God We Trust" are additions. The approximate cost of doing all three projects, according to the Architect of the Capitol, is \$150,000.

We are pleased that you have agreed to Senate consideration of the CVC legislation.

Sincerely,

DIANNE FEINSTEIN,
Chairman.

ROBERT F. BENNETT,
Ranking Member.

Mr. DEMINT. I also want to make a point about the unfortunate expense associated with these design corrections. I regret these funds must be spent. That the historical whitewash of the original design contained these inaccuracies was unfortunate, certainly. But the \$150,000 this project will cost is less than 1/10th of 1 percent of the cost of the Capitol Visitor Center. Anyone interested in finding offsets can count on my support in identifying waste in the underlying bill that is funding Congress for next year. When these engravings are completed and when we can welcome God back into the Capitol Visitor Center, visitors to the Capitol will see a fairer and more historically accurate depiction of the all-important relationship between faith and freedom in America.

I understand the majority is prepared to accept the amendment by a voice vote or unanimous consent.

Mr. NELSON of Nebraska. There is no objection.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1370) was agreed to.

AMENDMENT NO. 1367 TO AMENDMENT NO. 1365

Mr. DEMINT. Madam President, I have another amendment I have been informed the majority plans to block consideration of, which is No. 1367 regarding transparency at the Federal Reserve. I wish nonetheless to take a few moments to discuss it.

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

Mr. DEMINT. The unelected central bank of the United States, the Federal Reserve, enjoys a monopoly over the flow of our money and credit but has never been completely transparent and accountable to Congress since its cre-

ation in 1913. Since 1913, our dollar has lost more than 95 percent of its purchasing power. My amendment is called the Federal Reserve sunshine amendment. It is modeled after legislation sponsored by Representative RON PAUL of Texas in the House and our colleague Senator SANDERS of Vermont in the Senate. This amendment amends section 714 of title 31 of the United States Code to remove existing restrictions on how the Government Accountability Office can audit the Federal Reserve. With these limitations gone, the Fed's discount window operation, funding facilities, open market operations, and agreements with foreign central banks and governments would all be finally open to congressional oversight. The Government Accountability Office would be required to audit the Fed by the end of 2010 and to report its findings to Congress.

Every dollar created by the Fed has an effect on the value of the dollars in our pockets and bank accounts. We need to pay more attention to the effect of Washington decisions, whether fiscal policy made by Congress or monetary policy made by the Fed. They all are ultimately borne by the American people. The Federal Reserve will create and disburse trillions of dollars in response to our current financial crisis. Americans across the Nation, regardless of their opinion on the bailout, want to know where the money has gone, exactly how much has been spent, and what collateral has been taken in return. That is why we see so much bipartisan support in the House, in BERNIE SANDERS and JIM DEMINT being on the same side in the Senate. Inflation is a hidden tax. We, unfortunately, forget about it too often when we are debating spending bills in Congress.

Our fiscal actions, higher deficits, increased long-term debt, and entitlement obligations will necessarily need to be paid for by printing new money or borrowing more money from an increasingly skeptical world. Either option results in higher interest rates for consumers and a devaluing of the dollars they have already earned and saved. Allowing the Fed to operate our Nation's monetary system in almost complete secrecy leads to abuse, inflation, and a lower quality of life for every American. Unfortunately, the majority has decided to use a procedural tactic to block a vote on this amendment by invoking something called rule XVI. This is a rule that prevents policy being added to spending bills. The majority claims we do not legislate on appropriations bills. Of course, that is false. In fact, there are already rule XVI violations in the bill we are trying to amend. We saw this majority airdrop the cash for clunkers program into the recent supplemental appropriations bill.

The majority may claim this amendment is not relevant to the underlying bill, but in fact there are already provisions in this bill related to Government

Accountability Office audits, so this language is quite appropriate on this bill. The legislation has already received the support of more than one-half of the House of Representatives within a few short months of its introduction. It is time for the Senate to show its support.

I ask the majority leader again to allow a vote on amendment 1367 regarding a GAO audit of the Federal Reserve.

I call up amendment 1367.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1367 to amendment No. 1365.

The amendment is as follows:

(Purpose: To amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after "shall audit an agency" and inserting a period.

(b) AUDIT.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

"(1) IN GENERAL.—The audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

"(2) REPORT.—

"(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

"(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate."

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I make a point of order against the DeMint amendment that it is legislation on appropriations.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. DEMINT. Madam President, I regret the objection. Since the other side is arguing that rule XVI applies here, my amendment contains language to an existing GAO audit of the Federal

Reserve. Because it is legislative in nature—in other words, because it actually addresses the audit itself and not just the funds for the General Accountability Office—they say it is out of order. I have a parliamentary inquiry: Is the language in section 1501(b) dealing with an existing GAO audit of the National Transportation Safety Board legislative?

The PRESIDING OFFICER. It is.

Mr. DEMINT. I thank the Chair. Does it violate rule XVI?

The PRESIDING OFFICER. It does.

Mr. DEMINT. So the Democrats are suggesting that it is somehow illegitimate for me to offer an amendment dealing with an existing GAO audit when they themselves have included language dealing with other audits that flatly violates rule XVI.

Further parliamentary inquiry: Is the language in section 1501(c) regarding a GAO audit of local educational agency spending legislative in nature and in violation of rule XVI?

The PRESIDING OFFICER. Yes.

Mr. DEMINT. I thank the Chair. What about section 1501(d) which repeats a GAO audit of the small business participation in the Alaska national pipeline; is that legislative in nature and does it violate rule XVI?

The PRESIDING OFFICER. Yes, it is.

Mr. DEMINT. Madam President, I have a long list here for which I understand from the Parliamentarian the answers will continue to be yes. We have several provisions, obviously, dealing with the GAO and GAO audits in this bill. The other side cannot stand behind a rule they have flagrantly violated themselves.

There is an earmark in this bill for Nebraska. It is the only earmark in the bill.

I would ask the Chair, what about the provision in the Library of Congress section containing a \$200,000 earmark for the Durham Museum in Omaha, NE? Is that a legislative item? And does it violate rule XVI?

The PRESIDING OFFICER. It is legislative, but the Chair is aware of a defense in germaneness.

Mr. DEMINT. Thank you, Madam President. Then, would it be accurate to say the provision contains legislative language that meets the definition of rule XVI, even though it is arguably germane to the House language?

The PRESIDING OFFICER. It is legislative in nature.

Mr. DEMINT. Thank you, Madam President.

I think I have made my point, and I will not take this any further. Clearly, there is a double standard.

One of the most sought after amendments we have probably brought up in the House and the Senate since I have been here is an audit of the Federal Reserve. Everywhere I went last week people were thanking me for finally looking at what the Federal Reserve was doing and trying to let the American people know what is happening.

This is an audit that has broad support, and I would encourage my col-

leagues on the Democratic side to allow this amendment to be voted on. But, apparently, the other side has decided to challenge it with rule XVI, which they do not apply to their own language.

But as I said, Madam President, I have probably said enough and I thank you for your indulgence.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1366

Under the previous order, there will now be 10 minutes of debate, equally divided and controlled between the Senator from Arizona, Mr. MCCAIN, and the Senator from Nebraska, Mr. NELSON.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I hope my colleagues will vote to strike this earmark for the Durham Museum in Omaha, NE. Strangely enough, this amount has been inserted by the Senator from Nebraska—this \$200,000 for the Durham Museum in Omaha, NE.

Lest there be any confusion about this, in the last tax return of the Durham Museum in Omaha, NE, they had \$10,917,319. So the museum is fairly well off. They have assets of about \$11 million. Apparently, the Senator from Nebraska thinks they need a couple hundred grand extra—on the Legislative Branch Appropriations bill.

Again, I am interested in hearing the Legislative Branch Appropriations connection to the Durham Museum in Omaha, NE. I am sure it is a fine museum, a wonderful museum, and it gets many visitors from all over the great State of Nebraska. I just came from the great State of Arizona, and do you know what. Storefronts are closing, people are losing their jobs, and unemployment is up. So what are we doing here in Washington, our Nation's capital? Business as usual. But what is an earmark of just \$200,000? What is \$200,000 in the trillions we are spending? The legislation says that amount "shall remain available until expended for the purpose of preserving, digitizing, and making available historically and culturally significant materials related to the development of Nebraska and the American West."

What makes this museum so needy of the taxpayers' dollars? What is it about the Durham Museum in Omaha, NE, that says we need \$200,000? Well, they don't, obviously. They had nearly \$11 million in net assets at the end of 2007. Why are we earmarking \$200,000 of taxpayer funds for this museum?

We should not be earmarking these kinds of funds. This is a Legislative Branch Appropriations bill to fund the

functioning of Congress, the legislative branch, not a museum in Omaha, NE, which I am sure is a wonderful place.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. My colleague from Arizona is right. It is a wonderful, an outstanding museum.

As a quick refresher for my colleagues, this is a project that was requested by the Durham Museum in Omaha, NE. This is a well-respected, not-for-profit organization with a long-standing and close relationship with the Library of Congress.

The \$200,000 requested in this bill for the Durham Museum to begin the preservation and digitization of the museum's photo archive collection will preserve our history and improve access to these priceless treasures.

The museum will provide a public service of Federal interest making it appropriate to promote a public-private partnership. This truly is a public-private partnership—the funding for the project in this bill is only 10 percent of the total cost. The Durham Museum will privately raise the remaining 90 percent and incur all ongoing operating costs.

The Library of Congress is an expert in the area of digitization and preservation of fragile photos and images. Taking that into consideration with the fact that the library enjoys "a remarkable long-term relationship with the Durham Museum," to use the words of the Librarian of Congress, Dr. James Billington, it makes this partnership worthy of support and further makes this funding appropriate in this legislation.

To reiterate some of the points I made prior to the recess, this project is more than just a "photo exhibit." In addition to making these images available to the public, the Durham will work with and assist the Library of Congress to establish conservation and preservation training programs, and on incorporating digitized primary source materials into school curricula.

While I understand my colleague and I may disagree on the larger philosophical issue about the role of Congress to set spending priorities, I note that this project relates explicitly to the goals and purposes of the Library to expand access to our Nation's most treasured documents and artifacts. It will, through this partnership, make these historical images accessible nationally. It is funded here for that reason.

Lastly, not all treasures are located inside the beltway. The Durham Museum seeks to preserve a significant collection of images and photos that document the western expansion of this great Nation. These images will include, among others, a number of wonderful images of Presidents Roosevelt, Kennedy, and others; growth and development of the transcontinental railroad—the Union Pacific is headquartered in Omaha, NE—

Native American tribes from across the country dating back to the 1880s; photographs taken by prominent early photographer William Henry Jackson, who lived and worked briefly in Omaha; stockyards and meatpacking industries, which brought many immigrants and settlers to that part of the country in the early and mid-20th century; early transportation, including steamboats, streetcars, and cityscapes. Again quoting Dr. Billington:

Digitization of the Durham Museum's nationally significant collection of more than 500,000 images in prints, negatives, and glass plate negatives will greatly enhance citizens' access to these treasures and preserve them for future generations.

The project will be moved significantly forward by the able assistance of the Library of Congress, and I thank Dr. Billington for his willingness to assist with this important project. I ask my colleagues to support its inclusion in this bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes 14 seconds.

Mr. McCAIN. Madam President, let me get this straight. We now have an unauthorized earmark, and there has never been a hearing or a request from the administration for this vital project in Omaha, NE. There has never been a hearing of any kind or a request from the administration, nor, to my knowledge, scheduling of any kind of hearing on it.

Of course, this is one of the classic examples of an earmark being put in because of the judgment of a Member of Congress who believes this project is important to his or her State or locality, and there has never been any competition for it. I am sure there are libraries all over America—including in Arizona—that would love to have a couple hundred grand to digitize and preserve materials related to the development of the West.

Let's get this straight. This is a Legislative Branch Appropriations bill intended to fund the legislative activities of the Congress of the United States, which has some connection to the Library of Congress, which I imagine that hundreds, if not thousands, of libraries throughout the country do, and then we connect it now as a rationale for \$200,000 for the Durham Museum.

Again, all I say to my colleague from Nebraska is that Americans are tired of earmarking and projects that are not authorized, that there is no competition for, but are directly related to the influence of Members of Congress. It is wrong. We should remove this, and we should use this as an example of the kind of fiscal discipline that maybe we ought to start exercising, and I intend to go to the floor on earmark after earmark, and the American people are going to have tea parties all over America in direct objection to the kind of conduct we are exercising in Con-

gress. I hope that sooner or later we will listen.

I yield back the remainder of my time.

Mr. NELSON of Nebraska. Madam President, I respectfully urge my colleagues to vote "no" on this amendment.

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. 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.

All time has expired. The question is on agreeing to amendment No. 1366. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. ISAKSON), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 31, nays 61, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—31

Alexander
Barrasso
Bayh
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
Crapo
DeMint

Ensign
Enzi
Feingold
Graham
Grassley
Hagan
Hutchison
Inhofe
Johanns
Kyl
Lugar

Martinez
McCain
McCaskill
McConnell
Risch
Roberts
Sessions
Thune
Vitter

NAYS—61

Akaka
Baucus
Begich
Bennet
Bennett
Bingaman
Bond
Boxer
Brown
Burris
Cantwell
Cardin
Carper
Casey
Cochran
Collins
Conrad
Dodd
Dorgan
Durbin
Feinstein

Gillibrand
Gregg
Harkin
Hatch
Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Lincoln
Menendez
Merkley
Mikulski
Murkowski
Nelson (NE)

Nelson (FL)
Pryor
Reed
Reid
Rockefeller

Sanders
Schumer
Shaheen
Shelby
Snowe
Specter
Stabenow
Tester
Udall (CO)
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—7

Brownback
Byrd
Isakson

Kennedy
Murray
Udall (NM)
Wicker

The amendment (No. 1366) was rejected.

AMENDMENT NO. 1365

Mr. COBURN. Madam President, I make a constitutional point of order

that the earmark for the Durham Museum in Omaha, NE, as contained on page 21, line 15, after the word "mission" through line 20, violates article I, section 8 of the Constitution, and also violates the 10th amendment of the Constitution of the United States.

The PRESIDING OFFICER. The Chair submits the constitutional point of order to the Senate. Is it in order to offer such an amendment to the bill?

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

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

Is there further debate? If not, the clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—70

Akaka
Baucus
Bayh
Begich
Bennet
Bennett
Bingaman
Bond
Boxer
Brown
Burris
Cantwell
Cardin
Carper
Casey
Cochran
Collins
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Feinstein

Gillibrand
Grassley
Gregg
Hagan
Harkin
Hatch
Hutchison
Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
McConnell
Menendez
Merkley
Mikulski

Murkowski
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Shelby
Snowe
Specter
Stabenow
Tester
Udall (CO)
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—23

Alexander
Barrasso
Bunning
Burr
Chambliss
Coburn
Cornyn
Crapo

DeMint
Ensign
Enzi
Graham
Inhofe
Johanns
Kyl
Lugar

NOT VOTING—6

Brownback
Byrd

Isakson
Kennedy
Murray
Udall (NM)

The PRESIDING OFFICER. The point of order is not sustained. The substitute amendment is in order.

Under the previous order, the substitute amendment (No. 1365), as amended, is agreed to and the motion to reconsider is considered made and laid upon the table.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of S. 1294, the

Legislative Branch Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$3.1 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$2.6 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$3.3 billion.

The Senate-reported bill is below its section 302(b) allocation for budget authority by \$1.5 billion and below its allocation for outlays by \$1.3 billion. The Senate-reported bill does not include funding for House-only items. Funding for these items will be included in the conference agreement. No points of order lie against the committee-reported bill.

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

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

S. 1294, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	General purpose
Senate-Reported Bill:	
Budget Authority	3,136
Outlays	3,275
Senate 302(b) Allocation:	
Budget Authority	4,622
Outlays	4,615
House-Passed Bill:	
Budget Authority	3,675
Outlays	3,810
President's Request:	
Budget Authority	5,154
Outlays	4,912
Senate-Reported Bill Compared To:	
Senate 302(b) allocation:	
Budget Authority	-1,486
Outlays	-1,340
House-Passed Bill:	
Budget Authority	-539
Outlays	-535
President's Request:	
Budget Authority	-2,018
Outlays	-1,637

Note: The Senate-reported bill does not include funding for House-only items.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. NELSON of Nebraska. Madam President, I ask for the yeas and nays.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Mrs. MURRAY), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 67, nays 25, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—67

Akaka	Gillibrand	Murkowski
Alexander	Gregg	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Hatch	Reed
Bennett	Hutchison	Reid
Bingaman	Inouye	Rockefeller
Bond	Johanns	Sanders
Boxer	Johnson	Schumer
Brown	Kaufman	Shaheen
Burr	Kerry	Shelby
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Voinovich
Collins	Lieberman	Warner
Corker	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McConnell	Wicker
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

NAYS—25

Barrasso	DeMint	McCaskill
Bennet	Ensign	Risch
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Grassley	Thune
Coburn	Inhofe	Udall (CO)
Conrad	Kyl	Vitter
Cornyn	Martinez	
Crapo	McCain	

NOT VOTING—7

Brownback	Kennedy	Udall (NM)
Byrd	Landrieu	
Isakson	Murray	

The bill (H.R. 2918), as amended, was passed, as follows:

H.R. 2918

Resolved, That the bill from the House of Representatives (H.R. 2918) entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

LEGISLATIVE BRANCH SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$20,000; the President Pro Tempore of the Senate, \$40,000; Majority Leader of the Senate, \$40,000; Minority Leader of the Senate, \$40,000; Majority Whip of the Senate, \$10,000; Minority Whip of the Senate, \$10,000; Chairmen of the Majority and Minority Conference Committees, \$5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$5,000 for each Chairman; in all, \$180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency

contributions, \$178,982,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$2,517,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$752,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$5,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$3,288,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$15,844,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,726,000 for each such committee; in all, \$3,452,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$850,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,763,000 for each such committee; in all, \$3,526,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$415,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$25,790,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$70,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,836,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$45,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$7,154,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,544,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOOR- KEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$7,500; Sergeant at Arms and Doorkeeper of the Senate, \$7,500; Secretary for the Majority of the Senate, \$7,500; Secretary for the Minority of the Senate, \$7,500; in all, \$30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$145,500,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS
ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE
SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$153,601,000, which shall remain available until September 30, 2014.

MISCELLANEOUS ITEMS

For miscellaneous items, \$19,145,000, of which up to \$500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE
EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$425,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISION

GROSS RATE OF COMPENSATION IN OFFICES OF
SENATORS

SECTION 1. Effective on and after October 1, 2009, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2009, increased by an additional \$50,000 each.

REPORTING REQUIREMENT

SEC. 2. Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88-454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking "shall" and inserting "may"; and

(2) by adding at the end the following:

"(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

"(1) shall publicly post on-line on the website of the Senate each report in a searchable, itemized format as required under this section;

"(2) shall issue each report required under this section in electronic form; and

"(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate."

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,375,200,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$25,881,000, including: Office of the Speaker, \$5,077,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,530,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$4,565,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$2,194,000, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,690,000, including \$5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, \$517,000; Republican Steering

Committee, \$981,000; Republican Conference, \$1,748,000; Republican Policy Committee, \$362,000; Democratic Steering and Policy Committee, \$1,366,000; Democratic Caucus, \$1,725,000; nine minority employees, \$1,552,000; training and program development—majority, \$290,000; training and program development—minority, \$290,000; Cloakroom Personnel—majority, \$497,000; and Cloakroom Personnel—minority, \$497,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL
EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$660,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$139,878,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that \$1,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$200,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than \$23,000, of which not more than \$20,000 is for the Family Room, for official representation and reception expenses, \$32,089,000 of which \$4,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than \$3,000 for official representation and reception expenses, \$9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than \$3,000 for official representation and reception expenses, \$130,782,000, of which \$3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, \$4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, \$1,415,000; for the Office of the Chaplain, \$179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, \$2,000 for preparing the Digest of Rules, and not more than \$1,000 for official representation and reception expenses, \$2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$859,000; for other authorized employees, \$1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), \$597,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$317,840,000, including: supplies, materials, administrative costs and Federal tort claims, \$3,948,000; official mail for committees, leadership offices, and administra-

tive offices of the House, \$201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$278,278,000, including employee tuition assistance benefit payments, \$3,500,000, if authorized, and employee child care benefit payments, \$1,000,000, if authorized; Business Continuity and Disaster Recovery, \$27,698,000, of which \$9,000,000 shall remain available until expended; transition activities for new members and staff, \$2,907,000; Wounded Warrior Program, \$2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111-8; Office of Congressional Ethics, \$1,548,000; Energy Demonstration Projects, \$2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$760,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "House of Representatives—Salaries and Expenses—Members' Representational Allowances" shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by \$96,000.

(2) The allowance for the office of the Minority Whip is increased by \$96,000.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$1,300 per month to the Senior Medical Officer; (3) an allowance of \$725 per month each to three

medical officers while on duty in the Office of the Attending Physician; (4) an allowance of \$725 per month to two assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) \$2,366,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, \$1,377,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 111th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$267,203,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$64,354,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

TRANSFER AUTHORITY

SEC. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings "Salaries" and "General expenses" upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$4,418,000, of which \$883,990 shall remain available until September 30, 2011: Provided, That not more than \$500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1101. (a) IN GENERAL.—Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following:

"SEC. 306. DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

"The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended by inserting after section 305 the following:

"Sec. 306. Disposition of surplus or obsolete personal property."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$45,165,000.

ADMINISTRATIVE PROVISION

EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

SEC. 1201. Section 1201 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 611 note; Public law 110-161; 121 Stat. 2238) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "3" and inserting "5"; and

(B) in paragraph (2), by striking "3" and inserting "5";

(2) by striking subsection (d), and redesignating subsection (e) as subsection (d); and

(3) in subsection (d) (as redesignated by this section), by striking "Subject to subsection (d), this" and inserting "This".

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$106,587,000, of which \$5,400,000 shall remain available until September 30, 2014.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$33,305,000, of which \$6,499,000 shall remain available until September 30, 2014.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$10,974,000, of which \$1,410,000 shall remain available until September 30, 2014.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office

buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$74,392,000, of which \$15,390,000 shall remain available until September 30, 2014.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$100,466,000, of which \$53,360,000 shall remain available until September 30, 2014.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$118,597,000, of which \$25,074,000 shall remain available until September 30, 2014: Provided, That not more than \$8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2010.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$40,754,000, of which \$14,470,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, \$26,160,000, of which \$7,050,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$11,898,000, of which \$1,280,000 shall remain available until September 30, 2014: Provided, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, \$22,756,000.

ENGRAVING OF THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO IN THE CAPITOL VISITOR CENTER

SEC. 1202. (a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of "In God We Trust" in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared

by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

ADMINISTRATIVE PROVISIONS

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1301. (a) *IN GENERAL.*—The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) *EFFECTIVE DATE.*—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) in section 6121(1) by striking “and the Library of Congress” and inserting “the Library of Congress, the Architect of the Capitol, and the Botanic Garden”; and

(2) in section 6133(c) by adding at the end the following:

“(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.”.

DISABLED VETERANS; NONCOMPETITIVE APPOINTMENT

SEC. 1303. Section 3112 of title 5, United States Code, is amended—

(1) by inserting “(a)” before “Under”; and

(2) by adding at the end the following:

“(b) For purposes of this section, the term ‘agency’ shall include the Architect of the Capitol and the Botanic Garden. With respect to the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.”.

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1304. (a) Section 3111 of title 5, United States Code, is amended by adding at the end the following:

“(e) For purposes of this section the term ‘agency’ shall include the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.”.

BOTANIC GARDEN VENDOR CONTRACTS

SEC. 1305. Section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146) is amended—

(1) in subsection (b)(1), by striking “an account entitled ‘Botanic Garden, Gifts and Donations’.” and inserting “an account entitled ‘Botanic Garden, Operations and Maintenance’.”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) *CONTRACTS WITH VENDORS.*—

“(1) *IN GENERAL.*—The Architect of the Capitol may enter into a commission-based service contract with a vendor who, notwithstanding section 5104(c) of title 40, United States Code, may sell refreshments at the Botanic Garden and National Garden.

“(2) *DEPOSIT AND USE OF COMMISSIONS.*—Any amounts paid to the Architect of the Capitol as a commission under paragraph (1) shall be—

“(A) deposited in the account described under subsection (b); and

“(B) available for operation and maintenance in the same manner as provided under subsection (b).”.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library’s catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$441,033,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$6,350,000: Provided further, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, \$7,315,000 shall remain available until expended for the digital collections and educational curricula program: Provided further, That of the total amount appropriated, \$750,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106-173, of which \$10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That, \$200,000 shall remain available until expended for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$55,476,000, of which not more than \$28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than \$5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$34,612,000: Provided further, That not more than \$100,000 of the amount appropriated is available for the maintenance of an “International Copyright Institute” in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than \$4,250 may be ex-

pended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$112,836,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$70,182,000, of which \$30,577,000 shall remain available until expended: Provided, That of the total amount appropriated, \$650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) *IN GENERAL.*—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$123,328,000.

(b) *ACTIVITIES.*—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) *TRANSFER OF FUNDS.*—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading “Library of Congress”, under the subheading “Salaries and Expenses”, to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed \$1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1402. (a) *IN GENERAL.*—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading “Library of Congress” upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) *LIMITATION.*—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading “Library of Congress” for fiscal year 2009 may be transferred from that account by all transfers made under subsection (a).

CLASSIFICATION OF LIBRARY OF CONGRESS
POSITIONS ABOVE GS-15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

“(c) The Librarian of Congress may classify positions in the Library of Congress above GS-15 under standards established by the Office in subsection (a)(2).”.

LEAVE CARRYOVER FOR CERTAIN LIBRARY OF
CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking “or” at the end;

(2) in subparagraph (G), by striking the period and inserting “; or” and

(3) by adding after subparagraph (G) the following:

“(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.”.

GOVERNMENT PRINTING OFFICE
CONGRESSIONAL PRINTING AND BINDING
(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$93,296,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$40,911,000: Provided, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other

designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING
FUND

For payment to the Government Printing Office Revolving Fund, \$12,782,000 for information technology development and facilities repair: Provided, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than \$7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings “Office of Superintendent of Documents” and “Salaries and Expenses” may not be used for contracted security services at GPO’s passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE
SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$553,638,000: Provided, That not more than \$5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than \$2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than \$7,423,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental

Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum’s costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

REPEAL OF CERTAIN AUDITS, STUDIES, AND REVIEWS OF THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking subsection (d).

(b) EVALUATION AND AUDIT OF NATIONAL TRANSPORTATION SAFETY BOARD.—Section 1138 of title 49, United States Code, is repealed.

(c) LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.—Section 1904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6574) is repealed.

(d) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720j) is amended by striking subsection (c).

(e) AUDITS OF ASSISTANCE UNDER COMPACTS OF FREE ASSOCIATION.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(h)) is amended by striking paragraph (3).

(f) SEMIANNUAL AUDITS OF INDEPENDENT COUNSEL EXPENDITURES.—The matter under the heading “Salaries and Expenses, General Legal Activities” under the heading “Legal Activities” under title II of the Department of Justice Appropriation Act of 1988, (28 U.S.C. 591 note; Public Law 100-202; 101 Stat. 1329, 1329-9) is amended by striking “Provided further, That the Comptroller General shall perform semi-annual financial reviews of expenditures from the Independent Counsel permanent indefinite appropriation, and report their findings to the Committees on Appropriations of the House and Senate.”.

(g) REPORTS ON AMBULANCE SERVICE COSTS.—Section 414 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

OPEN WORLD LEADERSHIP CENTER TRUST
FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), \$14,456,000.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) BOARD MEMBERSHIP.—Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended—

(1) in subparagraph (A), by striking “members” and inserting “Members of the House of Representatives”; and

(2) in subparagraph (B), by striking “members” and inserting “Senators”.

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking “The Board shall appoint” and inserting “On behalf of the Board, the Librarian of Congress shall appoint”.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to—

(1) appointments made on and after the date of enactment of this Act; and

(2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), \$430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

LIMITATION ON TRANSFERS

SEC. 207. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 208. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

COMPLIANCE DATE RELATING TO CERTAIN VIOLATIONS OF OSHA WITHIN THE LEGISLATIVE BRANCH

SEC. 209. Section 215(c) of the Congressional Accountability Act of 1995 (2 U.S.C. 1341(c)) is amended by striking paragraph (6).

This Act may be cited as the "Legislative Branch Appropriations Act, 2010".

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair is authorized to appoint the following conferees.

The Presiding Officer appointed Mr. NELSON of Nebraska, Mr. INOUE, Mr. PRYOR, Mr. TESTER, Ms. MURKOWSKI, and Mr. COCHRAN conferees on the part of the Senate.

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

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

HONDURAS

Mr. COBURN. Mr. President, I want to spend a few minutes tonight talking about what is going on in Honduras. I have a lot of friends in Honduras, and I have this peculiar worry that we find ourselves on the wrong side of freedom in the situation that is happening in Honduras.

As you read the press clips, what we have heard is there was a coup. That, in fact, is not true. The Supreme Court of Honduras, under the direction of the Congress, asked the military to intercede because the President of Honduras had violated their own laws. Yet our State Department and our foreign policy sided with Hugo Chavez, Raoul Castro, and the former President.

There is no question that improvements have been made in the past in Central and South America, but tonight we find ourselves supporting an anticonstitutional President of Honduras when, in fact, the Congress of Honduras and the Supreme Court of Honduras have said he is violating their laws. So rather than look at the

whole picture, we have decided we will intervene in our diplomacy on the side of a Chavez-type, would-be dictator because what was happening in Honduras was an effort to change so you could have a President for life in Honduras. That is what was going on. That is why the Congress and that is why the Supreme Court of Honduras acted. We now are siding against the people of Honduras.

What is little known is 800 to 1,000 Venezuelan thugs were admitted into Honduras, in the week prior to this, with Honduran passports to create chaos or a systematic attempt to create upheaval and discord and rioting by Chavez's thugs. So now we find ourselves, the free United States, siding with somebody who wants to make sure the Honduran people are not free, to create another petro czar dictator in South Central America.

It is tremendously important we get this right. I think we are heading in the wrong direction right now. I think we are heading in the direction where we are going to make sure Honduras falls into the fold of Hugo Chavez, the last thing any of us should want. He has become the dictator in charge of Venezuela. He has nationalized American assets. He has corrupted the free Democratic process, and he seeks to do that in all the other areas where he can maintain influence. In fact, he was doing it.

The other thing that is important that is not well published is that the President of Honduras was totally associated with drug cartels, cash, the distribution and transmission of drugs into this country, and the moneys associated with that were used to buy people to support his pursuit of permanent power. Now we find ourselves out there on a limb with our foreign policy without looking at the whole story.

My main concern is about all those people who do want freedom in Honduras, who do believe we model in this country what they aspire to, and now the country they aspire to is siding against the vast majority of the people in Honduras. No illegal acts took place under the orders of the supreme court by the military—no illegal acts. Yet we didn't look at it close enough, and we have made now foreign policy decisions I fear are going to be irreversible.

There is no question things could be done better in Honduras, but there is also no question things could be done better here. For us to decide to side with the factors that are going to force Honduras into a situation similar to Cuba and Venezuela makes my blood boil, because not only are we going to eliminate and limit the freedom of those great people, we are going to help perpetuate the loss of freedom in that hemisphere.

So I call out to the President and the Secretary to do a reassessment. Let's relook at the facts. Let's talk to the people on the ground. Let's make sure we have the facts and the knowledge about what the vast majority of people

in Honduras want. You can stimulate chaos if you pay enough money and bring enough people in to do that, which was the intent of President Zelaya.

My hope is that we will slow down, that we will use caution at every turn as we interface with the situation. The Honduran people have the right to have their Constitution followed. That is what they did when they executed the imposition of removal of the President of Honduras. They followed their own law, their own Constitution. They don't have the right of impeachment, but they do have the right of carrying out the orders of the supreme court, which were given. For us to take this position—and this strong of a position—on what I feel has been a diplomatic lack of information of what is truth in Honduras speaks poorly for us as a nation and, most importantly, undermines the hopes of the people from Honduras.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies S. 1294 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

PROMOTING U.S.-GERMAN FRIENDSHIP

Mr. BENNETT. Mr. President, I rise today to honor Dr. Georg Schulze Zumkley and members of his team at the German Information Center USA for their dedication in promoting

friendship between the United States and Germany. Dr. Zumkley's work to commemorate the 60th anniversary of the Berlin Airlift is truly appreciated.

In the spring of 1948, Berlin was isolated within the Soviet occupation zone and had only 35 days' worth of food and 45 days' worth of coal remaining for the city. A massive American, British, and French airlift mounted to save the city and provide supplies necessary to sustain life in Berlin. Mr. President, 2008 marked the 60th anniversary of the Berlin Airlift, one of the largest and longest running humanitarian airlift operations in history.

Dr. Zumkley's group was given the mission to commemorate the 60th anniversary of the Berlin Airlift, honor Airlift veterans, and tell the story of this great humanitarian effort. They planned and implemented the successful "Friends-Always: 60 Years After the Berlin Airlift" outreach program, and designed, produced and managed "The Berlin Airlift—A Legacy of Friendship" exhibit at more than 25 venues across the United States. It is estimated that more than 150,000 people will have visited the exhibit personally and learned about the legacy of the Berlin Airlift during its tour of the United States. Dr. Zumkley ensured that Airlift veterans personally received the German-American Friendship award as an expression of appreciation and gratitude from the German people. Additionally, Dr. Zumkley has worked far above and beyond his duties and displayed outstanding leadership qualities in the fulfillment of the team's mission.

I know my fellow Senators join me in thanking Dr. Zumkley and his team for their endeavors to promote U.S.-German friendship and to honor and celebrate the 60th anniversary of the Berlin Airlift.

COMMENDING JANIS LAZDA

Mr. BAUCUS. Mr. President, today I recognize one of the most dedicated members of my staff, Janis Lazda. Janis joined the Senate Finance Committee in 2005 to work on international trade matters, and today he leaves us to become senior policy adviser to the Deputy U.S. Trade Representative. USTR's gain truly is our loss.

For the past 5 years, Janis has demonstrated a quiet intelligence, unquestionable loyalty, and an unwavering commitment to the great State of Montana and this great country. He has worked hard to keep U.S. relations with Asia strong during these challenging economic times, and focused on improving America's competitiveness around the globe. He has spearheaded policies to increase U.S. exports to the world, and brainstormed ways to make international institutions more meaningful.

He has performed all of these tasks diligently and with careful thought. And he has put the needs of Montanans and the American people first. Janis

has witnessed the majestic mountains of Missoula, the bucolic beauty of the Big Hole Valley, and the memorable music of Molt. He met with hard-working people in all of these areas, and across Montana, to hear their thoughts and understand their needs. And he used these experiences to ensure that the policies crafted in Washington are meaningful for folks across America.

Janis has been a sound and knowledgeable adviser. His experience and analysis have been critical to many of the trade policies formulated by the Finance Committee. I thank Janis for his hard work, and wish him well as he takes the next step to what I am sure will be a brilliant future.

ADDITIONAL STATEMENTS

COMMENDING VICE ADMIRAL BRUCE E. MACDONALD

• Ms. CANTWELL. Mr. President, today I honor VADM Bruce E. MacDonald, Judge Advocate General's Corps, U.S. Navy, who is retiring after more than 31 years of faithful service to our Nation, culminating in his service as the Judge Advocate General of the Navy.

VADM Bruce MacDonald was born in 1956 in Cincinnati, OH. He graduated from the College of the Holy Cross in 1978 with a bachelor of arts degree in English, and entered the Navy in May of that year.

Vice Admiral MacDonald was commissioned an ensign in the unrestricted line through the Naval Reserve Officer Training Corps. Following surface warfare training, he reported to the USS Hepburn, FF 1055, in October 1979, where he served as the Main Propulsion Assistant and Navigator. After a 2-year tour at Fleet Combat Training Center, Pacific, where he served as Intermediate Combat Systems Team Training and Advanced Multi-Threat Team Training Course Director, he was selected for the Navy's Law Education Program in 1984. He received his degree of Juris Doctor from California Western School of Law in 1987.

In 1987, Vice Admiral MacDonald reported to Naval Legal Service Office, San Diego, where he served as Senior Defense Counsel, Trial Counsel, and Medical Care Recovery Act claims officer. In 1990, he reported aboard USS Independence, CV 62, as the Command Judge Advocate. After receiving a master of laws degree from Harvard Law School in 1992, he was transferred to Seoul, Republic of Korea, where he served as Chief, Operational Law Division, on the staffs of United Nations Command, Combined Forces Command and United States Forces Korea. He also served as Staff Judge Advocate on the staff of U.S. Naval Forces Korea.

In August 1994, Vice Admiral MacDonald reported aboard Naval Legal Service Office Northwest as its executive officer. In November 1996, he became the Officer-in-Charge of Trial

Service Office West Detachment, Bremerton, WA. In July 1997, he reported to Commander Seventh Fleet in Yokosuka, Japan, as the Fleet Judge Advocate. Vice Admiral MacDonald assumed command of Naval Legal Service Office, Northwest, in August 1999, serving as commanding officer until June 2002. He was assigned to the Pentagon as the Special Counsel to the Chief of Naval Operations from June 2002 through October 2004. In November 2004, Vice Admiral MacDonald became the Deputy Judge Advocate General of the Navy and Commander, Naval Legal Service Command. In July 2006, Vice Admiral MacDonald assumed his current position as Judge Advocate General of the Navy.

Vice Admiral MacDonald is admitted to practice before the courts of the State of California and the U.S. District Court for the Southern District of California. His military decorations include the Navy Distinguished Service Medal, the Legion of Merit with two Gold Stars, the Defense Meritorious Service Medal, the Navy Meritorious Service Medal with Gold Star, the Navy Commendation Medal with Gold Star, and the Navy Achievement Medal with Gold Star.

It is through the commitment and sacrifice of Americans such as Vice Admiral MacDonald that our Nation is able to continue upon the path of democracy and strive for the betterment of mankind. I am proud to thank him, his wife Karen, and daughter Erin for his honorable service to our nation in the U.S. Navy. I wish him fair winds and following seas as he concludes a distinguished naval career.●

COMMENDING VINCE NESCI

● Mr. CARPER. Mr. President, today I recognize Vince Nesci who, in a few months, will retire from Amtrak after 33 years as its chief mechanical officer. Vince has dedicated his adult life to improving passenger rail transportation in America, and I wish him the very best in retirement.

Railroaders are not employed; they serve, and Vince's retirement will culminate a lifetime of service to the railroad and country. He began his service in the Air Force as a flight engineer, flying on the remarkably durable C-130 Hercules transports. He performed aerial delivery missions of every kind—paratroop drops, low altitude equipment and cargo drops, and heavy equipment drops.

After leaving the Air Force, Vince went to work on the Penn Central Railroad in 1974. Since that day, he has never drawn a paycheck that wasn't issued by a railroad. He began in the traditional way, as a laborer in the mechanical department, working on the famous GG-1 class electric engines that Penn Central had inherited from its 1930s-era predecessor, the Pennsylvania Railroad. He qualified as an electrician and a machinist, putting his natural engineering aptitude to the task of

learning the tics and tricks of 40-year-old locomotives with millions of miles on them.

His skill was rewarded, and he rose through the ranks. Promotion followed promotion, and he soon became a foreman and then a general foreman with Penn Central. When Amtrak took over its labor force from the freight railroads, Vince continued the unforgiving job of making sure that engines and cars would be ready to roll when the minute hand touched the top of the hour in Washington, Boston, or New York each day. He was there to work on each generation of new engines and to supervise the men and women who were working on them. He witnessed the end of the GG-1s and saw three new generations of locomotives emerge for Northeast Corridor service.

When the time came to rebuild the 20-year-old AEM-7 locomotives in 2001, Vince took on the job as the company's chief mechanical officer. This was a demanding job, and the shops accomplished it in large part because Vince was there to keep the process moving, to wade into a problem on the shop floor, and to figure out the answers to tough technical questions that manuals and instructions couldn't answer. He was no mere manager—he was that very traditional combination of expert practical mechanic, engineer, and operating man that railroad chief mechanical officers have always had to be. And through some of the toughest times Amtrak has ever faced, when money to keep the trains on the road was scarce, he kept things moving. He was famous on the railroad for his good humor, his skill, and his understanding of how locomotives worked. He was liked, but more importantly, he was respected, and his opinion carried weight in both the board room and on the shop floor.

Vince begins almost every day of his work with a smile. There is hardly ever a time that, when you talk to Vince, he does not greet your questions or begin his answers without a smile. When he talks about the cars and locomotives in his care, he speaks quickly because he is enthusiastic and wants you to feel the enthusiasm he has for the work he does. Whether the temperature is 100 degrees or 10 below zero, Vince always wears a short-sleeved white cotton shirt. If one asks him why he only wears a short-sleeved shirt, he will tell you without a moment's hesitation that when you wear short sleeves, you don't have to roll up your sleeves when you get to work.

People like Vince Nesci don't come along very often, and when they do, we should be thankful that we get to spend time with them and learn from them. The railroad is a better and safer place because of Vince, and the good news is that he has helped train a cadre of people who will be there after he leaves to carry on the work that needs to be done.

Now he has come to the end of his long career, and will soon depart into a well-earned retirement. His working

life has encompassed the transformation of the Northeast Corridor, from a tentative experiment to a modern, high-speed intercity passenger rail system. Nobody has worked harder than Vince to build the railroad that may one day become a model for transportation in our country, and no one can take more justified pride in the safe, reliable, and frequent passenger rail service that travelers enjoy today than Vince Nesci.

I thank Vince for the warm friendship that we share, and I congratulate him on a truly remarkable and distinguished career. I wish him, his wife Donna, and their family the very best in all that lies ahead for each of them. As we say in the Navy on occasions like this, "fair winds and a following sea."●

150TH ANNIVERSARY OF JEFFERSON, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 150th anniversary of the founding of Jefferson, SD. This community in southeastern South Dakota has a rich heritage, as well as a promising future.

Jefferson was first settled in 1859 by three families on the site of Lewis and Clark's first settlement in South Dakota. Its original name was Adelescat after young girl, Adele, lost her cat and all the settlers joined together to find it. In 1876, the town built their Grasshopper Cross to keep their crops safe after 2 particularly hard years. The town was formally organized in 1885 after the arrival of the railroad and renamed for President Thomas Jefferson.

The people of Jefferson celebrate this momentous occasion on the weekend of July 10-12, 2009. South Dakota's small communities are the bedrock of our economy and vital to the future of our State. One hundred and fifty years after its founding, Jefferson remains a progressive community and a great asset to the wonderful State of South Dakota. I am proud to honor Jefferson on this historic milestone.●

REMEMBERING MARIA CAROLINA HINESTROSA

● Ms. MIKULSKI. Mr. President, on behalf of the people of Maryland, and breast cancer fighters worldwide, I wish to express my heartfelt condolences to the family and friends of Ms. Carolina Hinestrota, who passed away last week after battling soft tissue sarcoma, a side effect of past breast cancer treatment. Ms. Hinestrota served for 5 years as the executive vice president of the National Breast Cancer Coalition, in which capacity she fought passionately for the coalition's work to eradicate breast cancer. My thoughts and prayers are with Ms. Hinestrota's family and friends during this difficult time.

After a 1994 breast cancer diagnosis, Ms. Hinestrota turned her suffering into an opportunity when she joined

with a group of survivors and health care professionals to form Nueva Vida, the only comprehensive support network for Latinas with breast and cervical cancer in the Washington metropolitan area.

As executive director of Nueva Vida, Ms. Hinestrosa gave voice to the struggles of Latinas with breast cancer, representing them on the board of directors of the National Breast Cancer Coalition and the National Cancer Institute's Central Institutional Review Board. She also played a leading role in the development of the International Latina Breast Cancer Advocacy Network.

While serving as executive vice president of the National Breast Cancer Coalition, Ms. Hinestrosa was a member of many national panels including the Department of Defense Breast Cancer Research Program and numerous committees for the Institute of Medicine. Most recently she was an appointee to the IOM Committee on Comparative Effective Research.

Ms. Hinestrosa is remembered by those who knew her as an extraordinary woman who contributed so much to women's health, breast cancer, and minority rights. An outpouring of admiration has come from the many people she touched.

Fran Visco, president of the National Breast Cancer Coalition, said Ms. Hinestrosa "was incredibly brilliant, analytical and at the same time warm and compassionate. Nothing intimidated Carolina because of her determination to change the system." Director of the National Cancer Institute John Niederhuber wrote "she was a remarkable woman. She was the type of person who you never forgot encountering. She was smart and passionate; committed and accomplished. The cancer community has lost an important voice." The director of the Agency for Healthcare Research and Quality, Carolyn Clancy, worked frequently with Carolina and wrote that "her legacy is that patients and consumers are recognized voices in efforts to improve health care quality. Her contribution has inspired physicians, scientists, employers to focus on patients needs."

Ms. Hinestrosa was born in Bogotá, Columbia, and came to the United States in 1985 on a Fulbright scholarship to pursue a master's in economics. Carolina impacted countless people in her work both here in Washington, DC, and elsewhere. She was just 50 years old at the time of her passing and leaves behind a husband and daughter.

We must carry on Ms. Hinestrosa's work in eradicating breast cancer from our midst. Until then, we must continue to support one another and honor the legacy of passion and commitment that Carolina left behind.●

COMMENDING KEVIN MCENEANEY

● Mrs. SHAHEEN. Mr. President, I would like to congratulate and honor Mr. Kevin McEneaney of Dover, NH, for

his faithful service to the New Hampshire Board of Land Surveyors. Mr. McEneaney served on the board from August 18, 1999, until July 11, 2009, and he led the board as chairman during the final 2 years of his term.

The New Hampshire Board of Land Surveyors' mission is to set the standards for licensing and regulating land surveyors. The board sets the technical and ethical standards for the profession and is committed to upholding the highest level of public safety.

For a decade, Mr. McEneaney demonstrated the utmost integrity and professionalism in his work on the board. His colleagues have recognized his diligence and his generosity of spirit. His contributions to the Board of Land Surveyors and to the people of New Hampshire are admirable. I commend Mr. McEneaney for his exemplary service to our State.

On a personal note, I have known Mr. McEneaney since he was a student in my class at Dover High School almost 40 years ago. I have seen firsthand his integrity, his work ethic, and his commitment to his community. I know he will succeed in whatever he does, and I wish him well in his future endeavors.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 2:03 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. 2454. An act to create clean jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

H.R. 2647. An act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 2996. An act making appropriations for the Department of the Interior, environ-

ment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution; without amendment:

S. Con. Res. 31. Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 89. Concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

The message further announced that pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. OBERSTAR of Minnesota, Chairman, Mr. MEEKS of New York, Vice-Chairman, Ms. SLAUGHTER of New York, Mr. STUPAK of Michigan, Ms. KILPATRICK of Michigan, Mr. HODES of New Hampshire, Mr. WELCH of Vermont, Mr. MANZULLO of Illinois, Mr. STEARNS of Florida, Mr. BROWN of South Carolina, and Mrs. MILLER of Michigan.

The message also announced that pursuant to 22 U.S.C. 2761, clause 10 of rule I, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the British-American Interparliamentary Group: Mr. CHANDLER of Kentucky, Chairman, Mr. SIRES of New Jersey, Vice-Chairman, Mr. CLYBURN of South Carolina, Mr. ETHERIDGE of North Carolina, Mrs. DAVIS of California, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Mr. PETRI of Wisconsin, Mr. BOOZMAN of Arkansas, Mr. CRENSHAW of Florida, Mr. ADERHOLT of Alabama, and Mr. LATTA of Ohio.

The message further announced that pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), and the order of the House of January 6, 2009, the Speaker appoints the following member on the part of the House of Representatives to the Public Interest Declassification Board for a term of 3 years: Mr. David Skaggs of Longmont, Colorado.

MEASURES REFERRED

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

H.R. 2996. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 89. Concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

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

H.R. 2647. An act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2454. An act to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2137. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mount Sterling, Illinois" ((RIN2120-AA66) (6-8/6-8/0115/AGL-3)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Waverly, Ohio" ((RIN2120-AA66) (6-8/6-8/1236/AGL-16)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2139. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Cleveland, Ohio" ((RIN2120-AA66) (6-8/6-8/0127/AGL-4)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2140. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Waverly, Ohio" ((RIN2120-AA66) (6-4/6-8/1236/AGL-16)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2141. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace; Modification of Class E Airspace; Bunnell, Florida" ((RIN2120-AA66) (Docket No. FAA-2009-0327)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters" ((RIN2120-AA64) (Docket No. FAA-2009-0518)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-200 and AMT-300 Series Gliders" ((RIN2120-AA64) (Docket No. FAA-2009-0323)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR Model ATR42-200, ATR42-300, ATR42-320, ATR42-500, ATR72-101, ATR72-201, ATR72-102, ATR72-202, ATR72-211, ATR72-212, and ATR72-212A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1237)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0523)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR Model ATR42-500 and ATR72-212A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0524)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2147. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0284)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2148. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0530)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2149. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB-Werke Model G120A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0531)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2150. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 47, 47B, 47B3, 47D, 47D1, 47E, 47G, 47G-2, 47G-2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-3B-2A, 47G-4, 47G-4A, 47G-5, 47G-5A, 47H-1, 47J, 47J-2, 47J-2A, and 47K Helicopters" ((RIN2120-AA64) (Docket No. FAA-2009-0484)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2151. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0612)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2152. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, F4605R, FR-622R, and C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1082)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2153. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0133)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2154. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCTA Model TBM 700 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0557)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2155. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. PA-23, PA-31, and PA-42 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0218)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2156. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0261)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2157. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace;

Cleveland, Ohio” ((RIN2120-AA66) (6-4/6-8/0127/AGL-4)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2158. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0262)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2159. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes; and Model A310 Airplanes)” ((RIN2120-AA64) (Docket No. FAA-2009-0218)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2160. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; ATR Model ATR42-200, ATR42-300, ATR42-320, ATR 42-500, ATR72-101, ATR72-201, ATR72-102, ATR72-202, ATR72-211, ATR72-212, and ATR72-212A” ((RIN2120-AA64) (Docket No. FAA-2008-1237)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2161. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 737-300, -400, -500, -600, -700, -700C, -800, and -900 Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2007-0163)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2162. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2008-1364)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2163. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce Corporation AE 2100D2, AE 2100D2A, AE 2100D3, and AE 2100J Turboprop Engines” ((RIN2120-AA64) (Docket No. FAA-2009-0082)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2164. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CB, C-212-CC, C-212-CD, C-212-CE, C-212-CF, and C-212-DE Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0005)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2165. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 757-200, -200CB, and -300 Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2007-29067)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2166. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0213)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2167. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters” ((RIN2120-AA64) (Docket No. FAA-2009-0482)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2168. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A330-202, -223, -243, -301, -322, and -342 Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0479)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2169. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; British Aerospace Model HS 748 Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0478)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2170. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; M7 Aerospace LP Models SA226-AT, SA226-T, SA226-TC, SA227-AC (C-26A), SA227-AT, SA227-BC (C-26A), SA227-CC, and SA227-DC (C-26B) Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0119)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2171. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters” ((RIN2120-AA64) (Docket No. FAA-2009-0453)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2172. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0218)) received in the Office of the Presi-

dent of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2173. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Cessna Aircraft Company 150 and 152 Series Airplanes” ((RIN2120-AA64) (Docket No. FAA-2007-27747)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2174. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Learjet Model 45 Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0498)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2175. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A310 Airplanes and Airbus Model A300-600 Airplanes” ((RIN2120-AA64) (Docket No. FAA-2009-0486)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2176. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Emissions Standards for Turbine Engine Powered Airplanes; CORRECTION” ((RIN2120-AJ41) (Docket No. FAA-2009-0112)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2177. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Part 95 Instrument Flight Rules (33); Amdt. No. 481” ((RIN2120-AA63) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2178. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Calculation of Noise Levels Published in Advisory Circular 36-3” (14 CFR Part 36) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2179. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments” ((RIN2120-AA65) (Amendment No. 3325)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2180. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments” ((RIN2120-AA65) (Amendment No. 3324)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2181. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65) (Amendment No. 3327)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2182. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65) (Amendment No. 3326)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2183. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Interim Statement of Agency Policy and Interpretation on the Hours of Service Laws as Amended; Proposed Interpretation; Request for Public Comment" (Docket No. 2009-0057, Notice No. 1) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2184. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "E-911 Grant Program" ((RIN2127-AK37) (Docket No. NTSA-2009-0142)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2185. A communication from the Paralegal, Federal Transit Authority, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Buy America; Petition for Rulemaking" ((RIN2132-AA99) (Docket No. FTA-2008-0057)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2186. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Worker Visibility" ((RIN2125-AF28) (Docket No. FHWA-2008-0157)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2187. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the expenditure of funds under the Recovery Act; to the Committee on Commerce, Science, and Transportation.

EC-2188. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Fiscal Year 2008 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC-2189. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mount Sterling, Illinois" ((RIN2120-AA66) (6-46-8/0115/AGL-3)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-52. A resolution adopted by the Legislature of the State of Minnesota urging Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota; to the Committee on Indian Affairs.

RESOLUTION

Whereas, in the aftermath of the events of 1862—the delay of United States treaty payments to the Dakota, the refusal of white traders to sell to them, the resulting starvation on the reservation, and the ensuing Dakota Conflict—white sentiment against Indian people was at its height, and many were pressing for the execution of 303 Dakota and mixed-blood men; and

Whereas, fearing that there would be further violence if he did not act, and to appease public feeling, Abraham Lincoln cooperated with the efforts of Congress to remove Indian people unilaterally, without even the semblance of agreement by treaty, by signing "An Act for the Removal of the Sisseton, Wahpaton, Medawakanton, and Wahpakoota Bands of Sioux or Dakota Indians, and for the Disposition of their Lands in Minnesota and Dakota," an action which ultimately ignited the Plains Indian Wars and brought 30 more years of conflict; and

Whereas, the act remains in federal law to this day, despite the fact that its terms are obsolete and its presence is a continuing offense; Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That it urges the Congress of the United States to repeal United States Statutes at Large, volume 12, page 819, chapter 119, and pages 803–804, chapter 103; and be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress.

REPORTS OF COMMITTEES DURING THE ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of June 25, 2009, the following reports of committees were submitted on July 2, 2009:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1390. An original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 111-35).

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 1229. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes (Rept. No. 111-36).

S. 1233. A bill to reauthorize and improve the SBIR and STTR programs and for other purposes (Rept. No. 111-37).

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1391. An original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 1392. An original bill to authorize appropriations for fiscal year 2010 for military construction, and for other purposes.

S. 1393. An original bill to authorize appropriations for fiscal year 2010 for defense activities of the Department of Energy, 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 Mrs. GILLIBRAND:

S. 1394. A bill to direct the Secretary of Veterans Affairs to acknowledge the receipt of medical, disability, and pension claims and other communications submitted by claimants, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAPO:

S. 1395. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1396. A bill to direct the Administrator of the United States Agency for International Development to carry out a pilot program to promote the production and use of fuel-efficient stoves engineered to produce significantly less black carbon than traditional stoves, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself and Mrs. GILLIBRAND):

S. 1397. A bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND:

S. 1398. A bill to amend the Food, Conservation, and Energy Act of 2008 to increase the payment rate for certain payments under the milk income loss contract program as an emergency measure; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 1399. A bill to amend the Commodity Exchange Act to establish a market for the trading of greenhouse gases, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BAYH (for himself and Mr. LUGAR):

S. Res. 207. A resolution recognizing the 100th anniversary of the Indianapolis Motor Speedway; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 240

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 240, a bill to set the United States on track to ensure children are ready to learn when they begin kindergarten.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 259

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 434

At the request of Mr. KERRY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 434, a bill to amend title XIX of the Social Security Act to improve the State plan amendment option for providing home and community-based services under the Medicaid program, and for other purposes.

S. 435

At the request of Mr. CASEY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, health, gang-free, and law-abiding lives.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 455

At the request of Mr. ROBERTS, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 455, a bill to require the

Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 471

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 471, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) 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. 632

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a co-

sponsor 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 Louisiana (Ms. LANDRIEU), the Senator from Kansas (Mr. ROBERTS), the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WARNER) 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. 654

At the request of Mr. BUNNING, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor 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. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 717

At the request of Mr. DODD, his name was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mrs. HAGAN) 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. 801

At the request of Mr. AKAKA, the names of the Senator from Missouri (Mrs. McCASKILL) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 819

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 831

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 841

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting

blind and other pedestrians of motor vehicle operation.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

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

S. 908

At the request of Mr. BAYH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. BENNET, his name was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 921

At the request of Mr. CARPER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 921, a bill to amend chapter 35 of title 44, United States Code, to recognize the interconnected nature of the Internet and agency networks, improve situational awareness of Government cyberspace, enhance information security of the Federal Government, unify policies, procedures, and guidelines for securing information systems and national security systems, establish security standards for Government purchased products and services, and for other purposes.

S. 935

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medi-

care, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 944

At the request of Mr. FEINGOLD, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 944, a bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 970, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 975

At the request of Mr. MARTINEZ, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 975, a bill to amend title XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1002

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1002, a bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes.

S. 1020

At the request of Mr. WHITEHOUSE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a

cosponsor of S. 1020, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN) and the Senator from Missouri (Mr. BOND) 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. 1079

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1079, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under the Medicare program.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) 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. 1129

At the request of Mr. DURBIN, the name of the Senator from Pennsyl-

vania (Mr. CASEY) was added as a cosponsor of S. 1129, a bill to authorize the Secretary of Education to award grants to local educational agencies to improve college enrollment.

S. 1132

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1132, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 1157

At the request of Mr. CONRAD, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1166

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members.

S. 1167

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1167, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 1203

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1223

At the request of Mr. JOHANNES, the name of the Senator from Tennessee

(Mr. ALEXANDER) was added as a cosponsor of S. 1223, a bill to require prior Congressional approval of emergency funding resulting in Government ownership of private entities.

S. 1229

At the request of Ms. LANDRIEU, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1229, a bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 1230

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1243

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1243, a bill to require repayments of obligations and proceeds from the sale of assets under the Troubled Asset Relief Program to be repaid directly into the Treasury for reduction of the public debt.

S. 1249

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was withdrawn as a cosponsor of S. 1249, a bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule.

S. 1253

At the request of Mr. CORKER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1253, a bill to address reimbursement of certain costs to automobile dealers.

S. 1261

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1261, a bill to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents, and for other purposes.

S. 1265

At the request of Mr. CORNYN, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1265, a bill to amend the National

Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1267

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1267, a bill to amend title V of the Social Security Act to provide grants to establish or expand quality programs providing home visitation for low-income pregnant women and low-income families with young children, and for other purposes.

S. 1283

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1283, a bill to require persons that operate Internet websites that sell airline tickets to disclose to the purchaser of each ticket the air carrier that operates each segment of the flight, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Iowa (Mr. HARKIN), the Senator from Florida (Mr. MARTINEZ) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1308

At the request of Mr. LAUTENBERG, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1308, a bill to reauthorize the Maritime Administration, and for other purposes.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1375

At the request of Mr. ROBERTS, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1375, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1382

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1384

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to

provide a senior housing facility plan option under the Medicare Advantage program.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. MARTINEZ) and the Senator from Mississippi (Mr. COCHRAN) 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. 25

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 206

At the request of Mr. JOHANNIS, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. Res. 206, a resolution expressing the sense of the Senate that the United States should immediately implement the United States-Colombia Trade Promotion Agreement.

AMENDMENT NO. 1367

At the request of Mr. DEMINT, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 1367 proposed to H.R. 2918, a bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1396. A bill to direct the Administrator of the United States Agency for International Development to carry out a pilot program to promote the production and use of fuel-efficient stoves engineered to produce significantly less black carbon than traditional stoves, and for other purposes; to the Committee on Foreign Relations.

Ms. COLLINS. Mr. President, I rise today to offer a bill to reduce the pro-

duction of black carbon, a potent contributor to global climate change. I am pleased to be joined on this bill by my friend and colleague, Senator DURBIN, as the lead cosponsor.

Black carbon is a particulate produced during the incomplete combustion of carbon-containing materials. It has been estimated to have, on an equivalent mass basis, more than 500 times the global warming potential of carbon dioxide. Reducing the production of black carbon would help stabilize the global climate.

Black carbon is produced by some events, such as forest fires, that cannot easily be corrected by Senate actions. My bill addresses a mechanism of black carbon production that we can influence.

Throughout the world today, an estimated two billion people cook with solid fuels over an open fire or with primitive stoves. More than 50 percent of the controllable black carbon emissions in the world are due to these practices. Modern stoves, designed to efficiently burn fuel, can eliminate up to 90 percent of the black carbon produced during cooking and home heating.

Additionally, cooking and heating with poorly designed stoves emits noxious gases and particulates. Experts believe that these pollutants cause the premature deaths of over 1 million people, chiefly women and children, each year. Replacing these stoves with modern alternatives will strongly reduce the number of these deaths. There is a real need to find alternatives to those poorly performing stoves to improve global environmental and human health.

The U.S. Agency for International Development carries out activities under a number of existing projects to place low-cost, fuel efficient stoves in poor communities. It has found that, to be successful, the new stoves must be customized to fit the needs and cooking traditions of the community. These programs have had a very positive impact. But, they have not had the resources to optimize stoves to minimize black carbon emissions.

Our bill authorizes \$1 million per year for 2 years for the U.S. Agency for International Development to conduct a pilot program to develop and test stoves that optimize both fuel efficiency and black carbon reduction.

This measure addresses an issue, global climate change, that we must take very seriously. It also provides funding that, while addressing an important global pollutant, also alleviates a public health disaster affecting developing nations. I urge my colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) **BLACK CARBON.**—The term “black carbon” means a particulate formed through the incomplete combustion of fossil fuels, biofuel, and biomass.

SEC. 2. PILOT PROGRAM ON PROMOTION OF FUEL-EFFICIENT STOVES ENGINEERED TO OPERATE WITHOUT THE PRODUCTION OF BLACK CARBON.

The Administrator shall establish a 2-year pilot program to promote the production and use of fuel-efficient stoves that—

(a) do not produce significant amounts of black carbon; and

(b) are customized for use throughout the world.

SEC. 3. REPORTS TO CONGRESS.

Not later than 6 months after the date of the enactment of this Act, and not later than 30 days after the last day of the pilot program established under section 2, the Administrator shall submit to Congress a report on the pilot program that includes—

(1) the names of the organizations receiving funding through the pilot program;

(2) the names of communities identified for participation in the pilot program and descriptions of the socioeconomic parameters that led to their selection for participation in the pilot program;

(3) a description of the services carried out by the Administrator under the pilot program;

(4) an assessment of the effectiveness of the pilot program; and

(5) the recommendations of the Administrator with respect to the extension or expansion of the pilot program.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$1,000,000 for each of the fiscal years 2010 and 2011.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 1399. A bill to amend the Commodity Exchange Act to establish a market for the trading of greenhouse gases, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce The Carbon Market Oversight Act, which is cosponsored by Senator SNOWE.

I believe this bill is necessary to ensure that future markets created by proposed climate change legislation are transparent and free from manipulation.

Our legislation would establish a comprehensive framework to regulate both primary and derivative carbon markets at the Commodity Futures Trading Commission, CFTC.

Trading would be transparent and electronically monitored.

Manipulation, fraud, and excessive speculation would be prohibited, and violations would be severely punished.

All carbon permits and standardized carbon derivatives would have to be traded through facilities that monitor trading, establish fair trading rules,

and follow established regulatory principles.

All standardized contracts would have to be cleared through a centralized counterparty clearinghouse, to reduce systemic risk.

CFTC would maintain a centralized position accounting system to monitor all large traders across multiple markets.

Traders, dealers, and brokers would have to be educated, would have to pass an exam to demonstrate competence, and would need to maintain certification.

Bottom line: the legislation would use lessons learned in other markets to establish the most comprehensive and efficient market oversight structure in the U.S.

This legislation is necessary because cap and trade legislation would create, in an unprecedented manner, an extremely large new financial market.

Without regulation, this market would likely emerge quickly into one of the largest over-the-counter derivatives markets in the world.

Resources for the Future Economist Dallas Burtraw recently testified in Congress that putting a price on carbon dioxide emissions through “a cap and trade program would constitute the greatest creation of government-enforced property rights since the 19th century.”

Depending on the stringency of the cap, the breadth of the program, and the cost containment measures employed, the annual value of the pollution permits alone is estimated to range from \$100 billion to \$370 billion. Secondary markets for futures, options, and over-the-counter derivatives are expected to be considerably larger than that market.

If we fail to establish a framework for oversight, the greenhouse gas market could turn into a wild west.

The market would invite the worst kind of manipulation, fraud, and abuse.

The resulting volatility would affect consumer energy costs and harm the environmental goals of the system.

My concerns regarding the emergence of new over-the-counter derivatives markets are based on real experience, not hypothetical situations.

In 2000 and 2001, newly created California energy markets lacked the basic protections proposed in this legislation.

Specifically, there was no federal oversight to assure transparency, no limits on speculation, no prohibition on manipulation, no requirements to prevent systemic risk, no monitoring of trading to address price spikes and irregularities, and no professional requirements to ensure that energy traders and dealers knew the law and followed a professional code of conduct.

In short, the electricity and related natural gas markets emerged before the law caught up, and much of the manipulation that resulted, shockingly, was legal.

The market that looked more like the wild west than an efficient price discovery tool.

Enron, for instance, ran a market where only it knew the prices. It was able to manipulate natural gas and electricity prices beyond the view of any third party, and it swindled the people of California to the tune of billions of dollars.

Not until enactment of the Energy Policy Act of 2005, years after the crisis, were we able to amend the Natural Gas Act and the Federal Power Act to clarify that this manipulation was unlawful.

Not until the Farm Bill in 2008 were we able to close the infamous “Enron Loophole” that had allowed Enron to operate an unregulated electronic energy trading exchange in which prices were not public, speculation was unlimited, and there was no audit trail.

More recently, our government failed to establish a regulatory framework for over-the-counter, OTC, credit default swap and energy derivative markets.

First, energy swaps markets wreaked havoc on oil and other energy commodity prices during the speculative energy bubble of 2008.

Then, credit default swaps emerged from the shadows to bring our entire financial system to the brink of collapse.

According to the Treasury Department’s recent report titled Financial Regulatory Reform: A New Foundation, a “lax regulatory regime for OTC derivatives” can be blamed for creating a situation in which “regulators were unable to identify or mitigate the enormous systemic threat that had developed.”

The Obama administration has called for Congress to rectify this failure by giving regulators tools to provide transparency, limit excessive speculation, require margins, and require clearing and other systemic risk mitigation measures.

First in California, then in energy derivatives markets, and finally in financial swaps markets, we have learned the same three lessons.

First, unregulated and non-transparent markets do not perform the price discovery function effectively. They are more volatile than supply and demand can explain.

Second, transparency leads to informed buyers and sellers, improving market functionality and price discovery. Economics stands on a basic tenet: perfect markets require perfect information. The more transparent the market, the more likely it is functioning efficiently.

Third, totally unregulated markets are prone to increased risk taking and manipulative schemes that can bring about market failure, posing a risk to our financial system.

In each of the cases I have described, we in government have learned these lessons the hard way.

A systemic or near-systemic collapse in each market reminded us that regulation plays an essential role in market functionality.

Scientists tell us that we need to reduce greenhouse gas emissions by approximately 80 percent by 2050, and

economists believe that a cap and trade system with a greenhouse gas emissions allowance market would be the most cost-efficient way to guarantee specified levels of emissions reductions.

The economists also tell us that markets are most efficient when: buyers and sellers have complete information, no market participant can cheat another, and prices result from supply and demand, not manipulation.

That is why we need to prevent manipulation, fraud, and a lack of transparency.

Senator SNOWE and I introduce this legislation today so that we will not have to learn the lessons taught by recent unregulated over-the-counter derivatives markets one more time.

We propose to establish mature and effective regulation for this market before it booms, busts, and threatens our economic wellbeing.

Our legislation would establish a transparent carbon market governed by proven regulatory principles and practices to maintain stable prices that reflect supply and demand, including: transparency. We know that transparency can be provided by requiring reporting, record keeping, and publication of trading information.

Position Limits. We know that speculation can be limited by imposing comprehensive, aggregate position limits across multiple markets.

Monitoring. We know that fraud and manipulation can be prevented and identified by active, electronic monitoring of trading.

Clearing. We know that systemic risk can be mitigated by requiring margins and central counterparty clearing through a CFTC regulated clearing house.

Professional Standards. We know that trader and dealer abusive behavior can be controlled and punished if traders and dealers are governed by a code of conduct.

Bottom line: this legislation is vital to protecting the market integrity of greenhouse gas emissions markets, and it should be included as part of any cap and trade legislation approved by Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Carbon Market Oversight Act of 2009”.

SEC. 2. REGULATION OF CARBON MARKETS.

(a) IN GENERAL.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding at the end the following:

“TITLE II—REGULATION OF CARBON MARKETS

“SEC. 201. PURPOSES.

“The purposes of this title are—

“(1) to ensure that the greenhouse gas market established by this title—

“(A) is formed in a manner consistent with the public interest and

“(B) is formed in a manner consistent with the goal of reducing greenhouse gas emissions in the United States;

“(C) is designed to prevent fraud and manipulation, which could potentially arise from many sources, including—

“(i) the concentration of market power within the control of a limited number of individuals or entities;

“(ii) the abuse of material, nonpublic information; and

“(iii) the unique nature of the allowance markets in which supply is known and declining over time, but demand is unknown, which can create an inherent potential for scarcity;

“(D)(i) is appropriately transparent, with real-time reporting of quotes and trades;

“(ii) makes information on price, volume, and supply, and other important statistical information, available to the public on fair, reasonable, and nondiscriminatory terms;

“(iii) is subject to appropriate record-keeping and reporting requirements regarding transactions; and

“(iv) has the confidence of investors;

“(E) functions smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances;

“(F) promotes just and equitable principles of trade; and

“(G) establishes an equitable system for the best execution of customer orders;

“(2) to minimize transaction costs for regulated entities so that the cost of abatement is reduced for those entities and customers of those entities;

“(3) to establish a cost-effective capability for real-time monitoring of the market in order to avoid manipulation and market failure;

“(4) to minimize the volatility induced by the structure of the marketplace itself in the interest of providing an accurate price signal for regulated entities; and

“(5) to ensure that the markets will function in a stable and efficient manner to promote the environmental and economic objectives of the United States.

“SEC. 202. DEFINITIONS.

“In this title:

“(1) CARBON CLEARING ORGANIZATION.—The term ‘Carbon Clearing Organization’ means the entity established under section 206(a).

“(2) CARBON DIOXIDE EQUIVALENT.—The term ‘carbon dioxide equivalent’ means for each greenhouse gas, the quantity of the greenhouse gas that the Administrator of the Environmental Protection Agency determines makes the same contribution to global warming as 1 metric ton of carbon dioxide.

“(3) DEALER.—The term ‘dealer’ means an individual, association, partnership, corporation, or trust that—

“(A) is engaged in soliciting or in accepting orders for the purchase or sale of a regulated instrument on or subject to the rules of a registered carbon trading facility; and

“(B) in or in connection with the solicitation or acceptance of such an order, accepts money, securities, or property (or extends credit in lieu of such an acceptance) to margin, guarantee, or secure any trade or contract that results or may result from such an acceptance.

“(4) DIRECTOR.—The term ‘Director’ means the Director of the Office.

“(5) ELECTRONIC MARKET TRADER.—The term ‘electronic market trader’ means a person who executes a trade on an electronic trading facility.

“(6) ELECTRONIC TRADING FACILITY.—The term ‘electronic trading facility’ means a trading facility that—

“(A) operates by means of an electronic or telecommunications network; and

“(B) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility.

“(7) EMISSION ALLOWANCE.—The term ‘emission allowance’ means a Government-issued or Government-accredited authorization to emit 1 carbon dioxide equivalent of greenhouse gas.

“(8) GREENHOUSE GAS.—The term ‘greenhouse gas’ means any of—

“(A) carbon dioxide;

“(B) methane;

“(C) nitrous oxide;

“(D) sulfur hexafluoride;

“(E) a perfluorocarbon; or

“(F) a hydrofluorocarbon.

“(9) INTRODUCING BROKER.—

“(A) IN GENERAL.—The term ‘introducing broker’ means any person engaged in soliciting or in accepting orders for the purchase or sale of a regulated instrument on or subject to the rules of a registered carbon trading facility, who does not accept money, securities, or property (or extend credit in lieu of such an acceptance) to margin, guarantee, or secure any trade or contract that results or may result from such a solicitation or acceptance.

“(B) EXCLUSION.—The term ‘introducing broker’ does not include an individual who elects to be and is registered as an associated person of a dealer.

“(10) MEMBER.—The term ‘member’ means, with respect to a trading facility, an individual, association, partnership, corporation, or trust owning or holding membership in, admitted to membership representation on, or having trading privileges on the trading facility.

“(11) OFFICE.—The term ‘Office’ means the Office of Carbon Market Oversight established by section 203(a)(1).

“(12) PRIVATE BILATERAL CONTRACT.—The term ‘private bilateral contract’ means a nonstandard contract that lacks each of the following characteristics:

“(A) The applicable transaction or class of transactions settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered trading facility.

“(B) The price of the applicable transaction or class of transactions is reported to a third party, published, or otherwise disseminated.

“(C) The price of the applicable transaction or class of transactions is referenced in another transaction.

“(D) There is a significant volume of the applicable transaction or class of transactions.

“(E) The value of the applicable transaction is significant in comparison to the value of the underlying carbon derivative market.

“(F) The contract or applicable transactions meets other criteria that the Commission determines to be appropriate.

“(13) REGISTERED CARBON TRADER.—The term ‘registered carbon trader’ means a member, in good standing, of a registered carbon trading facility who has registered with the Commission under section 205(b).

“(14) REGISTERED CARBON TRADING FACILITY.—The term ‘registered carbon trading facility’ means a facility that meets standards established by the Commission under section 203(d)(1).

“(15) REGULATED ALLOWANCE.—The term ‘regulated allowance’ means—

“(A) an emission allowance; or

“(B) a Government-issued unit of reduction in the quantity of emissions, or an increase in sequestration, equal to 1 carbon dioxide equivalent.

“(16) REGULATED ALLOWANCE DERIVATIVE.—The term ‘regulated allowance derivative’ means an instrument that is or includes—

“(A) any instrument, contract, or other obligation (or guaranty or indemnity of such an obligation), the value of which, in whole or in part, is linked to the price of a regulated allowance or another regulated allowance derivative;

“(B) any contract for future delivery (including an option, a swap agreement, or a futures contract) of—

“(i) a regulated allowance; or

“(ii) any obligation described in subparagraph (A); or

“(C) any other contract—

“(i) the value of which is derived from the existence of a market for regulated allowances; and

“(ii) that the Commission has not determined to be a private bilateral contract.

“(17) REGULATED INSTRUMENT.—The term ‘regulated instrument’ means—

“(A) a regulated allowance; or

“(B) a regulated allowance derivative.

“(18) SHORT SALE.—The term ‘short sale’ means—

“(A) any sale of a regulated allowance that the seller does not own; and

“(B) any sale that is consummated by the delivery of a regulated allowance borrowed by, or for the account of, the seller.

“(19) TRADING FACILITY.—

“(A) IN GENERAL.—The term ‘trading facility’ means 1 or more individuals or entities that constitute, maintain, or provide a physical or electronic facility or system in which multiple participants have the ability to execute or trade agreements, contracts, or transactions involving a regulated instrument by accepting bids and offers made by other participants that are open to multiple participants in the facility or system.

“(B) INCLUSION.—The term ‘trading facility’ includes a telephone voice brokerage that executes multiple, largely offsetting, bilateral transactions.

“(20) UNITED STATES.—The term ‘United States’ includes the territories and possessions of the United States.

“SEC. 203. OFFICE OF CARBON MARKET OVERSIGHT; JURISDICTION.

“(a) ESTABLISHMENT OF OFFICE OF CARBON MARKET OVERSIGHT.—

“(1) IN GENERAL.—There is established within the Commission an Office of Carbon Market Oversight.

“(2) DIRECTOR.—

“(A) IN GENERAL.—The Office shall be headed by a Director for Carbon Market Oversight.

“(B) ADDITIONAL NATURE OF POSITION.—The position of Director for Carbon Market Oversight shall be in addition to the directors of other offices of the Commission.

“(C) APPOINTMENT; QUALIFICATIONS.—The Director shall be—

“(i) appointed by the Commission; and

“(ii) an individual who is, by reason of background and experience in the regulation of commodities, securities, or other financial markets, especially qualified to direct a program of oversight of the market in regulated instruments.

“(b) ADMINISTRATION OF THIS TITLE.—The Commission, acting through the Director, shall administer this title.

“(c) DUTY OF COMMISSION.—The Commission shall regulate all contracts of sale involving regulated instruments under the jurisdiction of the Commission.

“(d) REGULATIONS.—The Commission shall, not later than 1 year after the date of enactment of this title, promulgate regulations governing the implementation of this title, and periodically thereafter, revise the regulations as necessary, including regulations that relate to—

“(1) specific initial and ongoing standards for qualification as a registered carbon trading facility;

“(2) position limits for individual market participants, adjusted as necessary based on market conditions;

“(3) margin requirements for the instruments traded by registered carbon trading facilities;

“(4) suitability standards for the solicitation by members of carbon instruments to retail investors;

“(5) a best execution standard for regulated allowance trading, such as the standard used in the national securities markets;

“(6) approval of—

“(A) specific protocols of the central limit order books of carbon trading facilities; and

“(B) the connection of those facilities to—

“(i) Carbon Clearing Organizations established under section 206; and

“(ii) the automated quotation system established under section 207;

“(7) the establishment of baseline initial and ongoing membership standards for registered carbon trading facilities;

“(8) subject to section 204(a)(4), specific standards for short sale transactions involving regulated instruments;

“(9) such other matters as are necessary for the carbon market to operate with the highest standards of fairness and efficiency; and

“(10) the establishment and operation of a carbon clearing organization.

“(e) MEMORANDUM OF UNDERSTANDING.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Commission shall enter into a memorandum of understanding with the Federal Energy Regulatory Commission, the Environmental Protection Agency, and any State or regional organization operating a market-based greenhouse gas emissions control program relating to information-sharing and coordination of oversight roles regarding—

“(A) trading facilities;

“(B) registered carbon traders;

“(C) carbon clearing organizations; and

“(D) derivative clearing organizations.

“(2) INCLUSIONS.—The memorandum of understanding shall include, at a minimum, provisions—

“(A) ensuring that information requests to markets within the respective jurisdictions of each agency are properly coordinated to minimize duplicative information requests; and

“(B) regarding the treatment of proprietary trading information.

“(f) COORDINATION FOR FOREIGN REGULATORS.—Not later than 180 days after the date of enactment of this title, the Commission shall, to the maximum extent practicable, enter into agreements with foreign regulatory bodies to ensure that foreign boards of trade do not offer for sale allowance derivatives beyond the jurisdiction of the Commission that would undermine the authority of the carbon market regulators in the United States or reduce the effectiveness of Commission oversight.

“(g) REGULATIONS.—The regulations issued to carry out this section shall take into account impacts on liquidity, flexibility, and robust participation in carbon markets, in order to maximize cost-effective and efficient reductions in carbon emissions.

“SEC. 204. REGULATION OF CARBON TRADING.

“(a) LIMITATION OF CERTAIN ACTIVITIES TO REGISTERED ENTITIES.—

“(1) CARBON ALLOWANCE TRADING FACILITY ACTIVITIES.—It shall be unlawful for a person to offer to enter into, execute, confirm the execution of, or conduct an office or a business for the purpose of soliciting, accepting an order for, or otherwise dealing in, an

agreement, contract, or transaction involving a contract for the purchase or sale of a regulated allowance, unless—

“(A) the transaction is conducted through the carbon allowance trading facility established under section 205(a);

“(B) the contract for the purchase or sale is evidenced by a record in writing (or other form acceptable to the Commission) that includes—

“(i) the date;

“(ii) the names of the parties to the contract (including the addresses of those parties);

“(iii) a description of the property covered by the contract (including the price of the property);

“(iv) the terms of delivery; and

“(v) all other nonstandardized terms and conditions; and

“(C) the contract is cleared through the Carbon Clearing Organization.

“(2) CARBON DERIVATIVE TRADING FACILITY ACTIVITIES.—It shall be unlawful for a person to offer to enter into, execute, confirm the execution of, or conduct an office or a business for the purpose of soliciting, accepting an order for, or otherwise dealing in, an agreement, contract, or transaction involving a contract for the purchase or sale of a regulated allowance derivative, unless—

“(A) the Commission has determined that the contract is a private bilateral contract that has been reported to the Commission and included as part of the total market risk exposure of a participant; or

“(B)(i) the transaction is conducted through a trading facility designated as a registered carbon derivative trading facility under section 205(a);

“(ii) the contract for the purchase or sale is evidenced by a record in writing (or other form acceptable to the Commission) that includes—

“(I) the date;

“(II) the names of the parties to the contract (including the addresses of those parties);

“(III) a description of the property covered by the contract (including the price of the property);

“(IV) the terms of delivery; and

“(V) all other nonstandardized terms and conditions; and

“(iii) the contract is cleared through a derivatives clearing organization registered with the Commission pursuant to section 5b.

“(3) BROKER OR DEALER ACTIVITIES.—It shall be unlawful for a person to act in the capacity of an introducing broker, dealer, floor broker, electronic market trader, or floor trader in connection with the purchase or sale of a regulated instrument, unless—

“(A) the person is a registered carbon trader; and

“(B) the registration of the person is not suspended, revoked, or expired.

“(4) SHORT SALE TRANSACTIONS.—A short sale transaction involving a regulated instrument that occurs without the borrowing of a regulated allowance shall be unlawful unless the Commission determines that the transaction is in the best interest of regulated entities and the public.

“(b) PROHIBITION ON PRICE OR MARKET MANIPULATION, FRAUD, AND FALSE OR MISLEADING STATEMENTS OR REPORTS.—It shall be unlawful for a person, directly or indirectly—

“(1) to use or employ, or attempt to use or employ, in connection with a transaction involving the purchase or sale of a regulated instrument or private bilateral contract, in violation of such rules and regulations as the Commission may promulgate to protect the public interest or consumers, including—

“(A) any manipulative or deceptive device or contrivance (within the meaning of section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(b)));

“(B) any corner; or

“(C) any device or contrivance that cheats or defrauds any other person;

“(2) for the purpose of creating a false or misleading appearance of active trading in a regulated instrument or private bilateral contract, or a false or misleading appearance with respect to the market for such an instrument—

“(A) to effect any transaction in the instrument that involves no change in the beneficial ownership of the instrument;

“(B) to enter an order for the purchase of the instrument, with the knowledge that 1 or more orders of substantially the same size, at substantially the same time, and at substantially the same price, for the sale of any such instrument, has been or will be entered by or for the same or different parties; or

“(C) to enter an order for the sale of the instrument with the knowledge that 1 or more orders of substantially the same size, at substantially the same time, and at substantially the same price, for the purchase of the instrument, has been or will be entered by or for the same or different parties;

“(3) to deliver or cause to be delivered a knowingly false, misleading, or inaccurate report concerning information or conditions that affect or tend to affect the price of a regulated instrument;

“(4)(A) to make, or cause to be made, in an application, report, or document required to be filed under this title or any regulation promulgated under this title, a statement that is false or misleading with respect to a material fact; or

“(B) to omit any material fact that is required to be stated in such an application, report, or document, or that is necessary to make the statements in such an application, report, or document not misleading; or

“(5) to falsify, conceal, or cover up by any trick, scheme, or artifice a material fact, make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document that contains a false, fictitious, or fraudulent statement or entry, to an entity registered under this title acting in furtherance of the official duties of the entity under this title.

“(C) PREVENTION OF EXCESSIVE SPECULATION.—

“(1) IN GENERAL.—To prevent, decrease, or eliminate burdens associated with excessive speculation relating to regulated instruments (which may be more severe in markets in which supply is known and declining and demand is unknown), the Commission shall promulgate regulations establishing such position or transaction limitations, in the aggregate, as the Commission determines to be necessary to prevent potential upward bias in price with respect to any regulated instrument.

“(2) AGGREGATE POSITIONS.—In carrying out paragraph (1), the Commission shall, to the maximum extent practicable, aggregate carbon dioxide equivalent positions in natural gas, electricity, and regulated instruments.

“(3) INAPPLICABILITY TO BONA FIDE HEDGING TRANSACTIONS AND POSITIONS.—The limitations and requirements established under paragraph (1) shall not apply to a position or transaction that is a bona fide hedging position or transaction, as defined by the Commission in accordance with the purposes of this title.

“(4) RECORDKEEPING; REPORTING; ACCESS TO BOOKS AND RECORDS.—

“(1) MEMBERS OF REGISTERED ENTITIES.—Each member of an entity registered under this title shall—

“(A) keep books and records, and make such reports as are required by the Commission, regarding the transactions and positions of the member, and the transactions and positions of the customer involved, in regulated instruments and private bilateral contracts, in such form and manner, and for such period, as may be required by the Commission; and

“(B) make the books and records available for inspection by any representative of the Commission or the Department of Justice.

“(2) REGISTERED ENTITIES.—Each entity registered under this title shall—

“(A) maintain daily trading records (including a time-stamped audit trail), that include such information, in such form, and for such period as the Commission may require by regulation;

“(B) before the beginning of trading each day, insofar as is practicable and under terms and conditions specified by the Commission, make public the volume of trading on each type of contract for the previous day and such other information as the Commission considers necessary in the public interest and prescribes by rule, order, or regulation; and

“(C) make such reports from the records, at such times and places, and in such form, as the Commission may require by regulation to protect the public interest and the interest of persons trading in regulated instruments.

“(e) FOREIGN TRANSACTIONS.—

“(1) IN GENERAL.—Any United States person or corporation shall be subject to this section for all contracts executed by the United States person or corporation, including contracts executed outside of the United States.

“(2) FOREIGN PERSONS AND CORPORATIONS.—A foreign person or corporation shall be subject to this section for all contracts executed by the foreign person or corporation within the United States.

“SEC. 205. ESTABLISHMENT AND REGISTRATION OF A CARBON TRADING FACILITIES; REGISTRATION OF TRADERS, BROKERS, AND DEALERS.

“(a) CARBON TRADING FACILITIES.—

“(1) ESTABLISHMENT OF A CARBON ALLOWANCE TRADING FACILITY.—The Commission may establish a carbon allowance trading facility in accordance with this section to process trades of regulated allowances.

“(2) REGISTRATION OF CARBON TRADING FACILITIES.—

“(A) IN GENERAL.—A trading facility may apply to the Commission for designation as a registered carbon allowance trading facility or a registered carbon allowance derivative trading facility by submitting to the Commission an application that contains such information and commitments as the Commission may require.

“(B) REVIEW.—A designation under this paragraph shall be reviewed by the Commission from time to time, but not less frequently than once every 3 years.

“(3) OPERATION OF THE CARBON TRADING FACILITIES.—

“(A) IN GENERAL.—To obtain or maintain designation and continue operating as a registered carbon allowance trading facility or a registered carbon allowance derivative trading facility under this title, a carbon allowance trading facility established by the Commission or registered with the Commission under this section shall comply with the requirements and principles described in this paragraph.

“(B) PREVENTION OF MARKET MANIPULATION.—The trading facility shall demonstrate capability to prevent market manipulation through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time

monitoring of trading and comprehensive and accurate trade reconstructions.

“(C) ELECTRONIC MONITORING OF TRADING.—The trading facility shall demonstrate—

“(i) that the trading facility monitors trading on or through the facility to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process; and

“(ii) in addition to traditional methods, a capability to monitor market activities electronically on a real-time basis and, if appropriate, by algorithm and other such means as are determined to be appropriate by the Commission.

“(D) FAIR AND EQUITABLE TRADING.—The trading facility shall establish and enforce rules to ensure—

“(i) fair and equitable trading through the trading facility;

“(ii) the capacity to detect, investigate, and discipline any person that violates the rules;

“(iii) the operation of any electronic matching platform;

“(iv) the terms and conditions of any contracts to be traded on or through the trading facility;

“(v) any limitations on access to the trading facility;

“(vi) the financial integrity of transactions and contracts entered into by or through the trading facility, including the clearance and settlement of the transactions;

“(vii) the financial integrity of brokers, dealers, and traders doing business on or through the trading facility;

“(viii) the protection of customer funds;

“(ix) that the trading facility is able to discipline, suspend, or expel members or market participants that violate the rules of the trading facility, or similar methods for performing the same functions, including delegation of the functions to third parties; and

“(x) that market participants are protected from abusive practices committed by any party acting as an agent for the participants.

“(E) AGGREGATE POSITION LIMITATIONS OR ACCOUNTABILITY.—The trading facility shall—

“(i) adopt and enforce aggregate position limitations or position accountability for speculators, as necessary and appropriate, to reduce the potential threat of market manipulation and excessive speculation in a marketplace in which supply is fixed by government policy and demand is set by market prices;

“(ii) facilitate netting of members' positions across all of the instruments through the trading facility, in order to minimize the cost of trading while ensuring adequate risk management; and

“(iii) monitor and enforce any limitations on leverage or position size that might be imposed by the Commission.

“(F) EMERGENCY AUTHORITY.—The trading facility shall adopt and enforce rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as necessary and appropriate, including the authority—

“(i) to liquidate or transfer open positions in any contract;

“(ii) to suspend or curtail trading in any regulated instrument; and

“(iii) in the case of a regulated derivative, to require market participants to meet special margin requirements.

“(G) AVAILABILITY OF GENERAL INFORMATION.—The trading facility shall make available to market authorities, market participants, and the public information concerning—

“(i) the terms, conditions, and specifications of the contracts traded on or through the trading facility;

“(ii) the mechanisms for executing transactions on or through the trading facility; and

“(iii) the rules and regulations of the trading facility

“(H) PUBLICATION OF TRADING INFORMATION.—

“(i) IN GENERAL.—The trading facility shall, in real time, to the maximum extent practicable, provide the public with information on bids, offers, settlement prices, volume, open interest, and opening and closing ranges for all regulated instruments traded on the trading facility.

“(ii) CENTRALIZED ENTITY.—The Commission may by regulation permit compliance with this subparagraph through the provision of pricing information described in clause (i) to a centralized entity that will simultaneously post that information to the public.

“(I) EXECUTION OF TRANSACTIONS.—The trading facility shall provide a competitive, open, and efficient market and mechanism for executing transactions on or through the trading facility.

“(J) SECURITY OF TRADE INFORMATION.—The trading facility shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the trading facility to use the information—

“(i) to assist the prevention of customer and market abuses; and

“(ii) provide evidence of violations of the rules of the trading facility.

“(K) DISPUTE RESOLUTION.—The trading facility shall establish and enforce rules regarding and provide facilities for alternative dispute resolution as appropriate for market participants and any market intermediaries.

“(L) GOVERNANCE FITNESS STANDARDS.—The trading facility shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the trading facility, and any other person with direct access to the trading facility (including any parties affiliated with any of the persons described in this subparagraph).

“(M) CONFLICTS OF INTEREST.—The trading facility shall—

“(i) establish and enforce rules to minimize conflicts of interest in the decision-making process of the trading facility; and

“(ii) establish a process for resolving any such conflict of interest.

“(N) COMPOSITION OF BOARDS OF MUTUALLY OWNED TRADING FACILITIES.—In the case of a mutually owned trading facility, the trading facility shall ensure that the composition of the governing board reflects market participants.

“(O) RECORDKEEPING.—The trading facility shall maintain records of all activities relating to the business of the trading facility in a form and manner acceptable to the Commission for a period of at least 5 years.

“(P) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the trading facility shall endeavor to avoid—

“(i) adopting any rules or taking any actions that result in any unreasonable restraint of trade; or

“(ii) imposing any material anticompetitive burden on trading on or through the trading facility.

“(Q) TRADING FEES.—The trading facility shall establish and enforce rules requiring the payment of fees for the purpose of funding Commission oversight, as established under section 208(h).

“(R) CENTRAL LIMIT ORDER BOOK.—The trading facility shall operate an electronic

central limit order book as the trading mechanism for regulated derivatives and regulated allocations and share sufficient information, in a timely manner, with the automated quotation system to allow implementation of section 207.

“(S) NATIONAL MARKET SYSTEM.—The trading facility shall participate, along with the Commission, in the formation and operation of a national market system that allows for best execution in the trading of regulated instruments among registered carbon trading facilities.

“(T) SCREENING.—The trading facility shall establish and enforce rules to screen members based on capital, systems, and standards of compliance, and other such membership standards as the Commission determines to be appropriate.

“(U) USE OF CLEARING.—The trading facility shall facilitate the clearing of all trades of regulated allowances through the Carbon Clearing Organization and the clearing of all trades of regulated allowance derivatives through a Derivatives Clearing Organization registered with the Commission.

“(V) ENFORCEMENT.—The trading facility shall establish and enforce rules that allow the trading facility to obtain any necessary information to perform any of the functions described in this paragraph, including the capacity to carry out such international information-sharing agreements as the Commission may require.

“(b) BROKERS, DEALERS, TRADERS, AND THEIR ASSOCIATES.—The Commission shall promulgate regulations governing—

“(1) the eligibility of a person to act in the capacity of an introducing broker, a dealer, a floor broker, an electronic market trader, or a floor trader of regulated instruments in the United States;

“(2) the registration of introducing brokers, dealers, floor brokers, electronic market traders, and floor traders as registered carbon traders with the Commission;

“(3) the conduct of a person registered pursuant to regulations promulgated under paragraph (2), and of a partner, officer, employee, or agent of the registered person, in connection with transactions involving a regulated instrument; and

“(4) minimum standards for eligibility of a person to register as a registered carbon trader, including the requirements that an applicant for such a position—

“(A) has never had an applicable license or registration revoked in any governmental jurisdiction;

“(B) has never been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court;

“(C) has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the applicant will operate honestly, fairly, and efficiently within the purposes of this title;

“(D) has completed the preregistration education requirement described in paragraph (5); and

“(E) has passed a written test that meets the test requirement described in paragraph (6).

“(5) PREREGISTRATION EDUCATION OF A CARBON TRADER.—

“(A) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the preregistration education requirement referred to in paragraph (4)(D), a person shall complete at least 20 hours of education approved in accordance with subparagraph (B), which shall include at least—

“(i) 6 hours of instruction on applicable Federal law (including regulations);

“(ii) 10 hours of instruction in ethics, which shall include instruction on fraud, ma-

nipulation, excessive speculation, and consumer protection; and

“(iii) 2 hours of training relating to reporting requirements under this title.

“(B) APPROVED EDUCATIONAL COURSES.—

“(i) IN GENERAL.—For the purpose of subparagraph (A), preregistration educational courses shall be reviewed and approved by the Commission.

“(ii) PROHIBITION.—To maintain the independence of the approval process, the Commission shall not directly or indirectly offer preregistration educational courses for loan originators.

“(C) STANDARDS.—In approving courses under this paragraph, the Commission shall apply reasonable standards in the review and approval of courses.

“(6) TESTING OF A CARBON TRADER.—

“(A) IN GENERAL.—In order to meet the written test requirement referred to in paragraph (4)(E), an individual shall pass, in accordance with the standards established under this paragraph, a qualified written test developed by the Commission and administered by an approved test provider.

“(B) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of subparagraph (A) unless—

“(i) the test consists of a minimum of 100 questions; and

“(ii) the test adequately measures the knowledge and comprehension of the individual taking the test in appropriate subject areas, including—

“(I) ethics;

“(II) Federal law (including regulations) pertaining to trading regulated instruments; and

“(III) Federal law (including regulations) on fraud, manipulation, excessive speculation, and reporting.

“(C) MINIMUM COMPETENCE.—

“(i) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test under this paragraph unless the individual achieves a test score of not less than 75 percent correct answers to questions on the test.

“(ii) INITIAL RETESTS.—An individual may retake a test 3 consecutive times, with each consecutive taking occurring not later than 14 days after the preceding test.

“(iii) SUBSEQUENT RETESTS.—After 3 consecutive tests, an individual shall be required to wait at least 14 days before retaking the test.

“(iv) RETEST AFTER LAPSE OF REGISTRATION.—A registered carbon trader who fails to maintain a valid registration for a period of 5 years or longer shall retake the test.

“(7) BACKGROUND CHECKS.—An applicant for registration shall, at a minimum, provide to the Commission—

“(A) fingerprints for submission to the Federal Bureau of Investigation for a State and national criminal history background check;

“(B) a description of personal history and experience, including an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)); and

“(C) information relating to any administrative, civil, or criminal findings by any governmental jurisdiction.

“SEC. 206. CARBON CLEARING ORGANIZATION.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Commission shall establish an entity to be known as the ‘Carbon Clearing Organization’ for the purpose of creating a common clearing platform for regulated allowances.

“(2) APPLICATION BY DERIVATIVES CLEARING ORGANIZATION.—A derivatives clearing organization registered with the Commission pursuant to section 5b may apply to the

Commission for designation as the Carbon Clearing Organization by submitting to the Commission an application that contains such information and commitments as the Commission may require.

“(b) OPERATION.—

“(1) REQUIREMENTS.—

“(A) IN GENERAL.—The Carbon Clearing Organization shall comply with the requirements described in this paragraph.

“(B) FINANCIAL RESOURCES.—The Carbon Clearing Organization shall demonstrate adequate financial, operational, and managerial resources to discharge the responsibilities of a clearing organization.

“(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—The Carbon Clearing Organization shall establish—

“(i) appropriate admission and continuing eligibility standards (including appropriate minimum financial requirements) for members of and participants in the Carbon Clearing Organization; and

“(ii) appropriate standards for determining eligibility of agreements, contracts, or transactions submitted to the Carbon Clearing Organization.

“(D) RISK MANAGEMENT.—The Carbon Clearing Organization shall manage the risks associated with discharging the responsibilities of a clearing organization through the use of appropriate tools and procedures.

“(E) SETTLEMENT PROCEDURES.—The Carbon Clearing Organization shall—

“(i) complete settlements on a timely basis under varying circumstances; and

“(ii) maintain an adequate record of the flow of funds associated with each transaction that the Carbon Clearing Organization clears.

“(F) TREATMENT OF FUNDS.—The Carbon Clearing Organization shall have standards and procedures designed to protect and ensure the safety of member and participant funds.

“(G) DEFAULT RULES AND PROCEDURES.—The Carbon Clearing Organization shall have rules and procedures designed to allow for efficient, fair, and safe management of events if members or participants become insolvent or otherwise default on obligations to the Carbon Clearing Organization.

“(H) RULE ENFORCEMENT.—The Carbon Clearing Organization shall—

“(i) maintain adequate arrangements and resources for the effective monitoring and enforcement of compliance with rules of Carbon Clearing Organization and for resolution of disputes; and

“(ii) have the authority and ability to discipline, limit, suspend, or terminate the activities of a member or participant for violations of rules of the Carbon Clearing Organization.

“(I) SYSTEM SAFEGUARDS.—The Carbon Clearing Organization shall—

“(i) establish and maintain a program of oversight and risk analysis to ensure that the automated systems of the Carbon Clearing Organization function properly and have adequate capacity and security; and

“(ii) establish and maintain emergency procedures and a plan for disaster recovery, and will periodically test backup facilities sufficient to ensure daily processing, clearing, and settlement of transactions.

“(J) PUBLIC INFORMATION.—The Carbon Clearing Organization shall make information concerning the rules and operating procedures governing the clearing and settlement systems (including default procedures) available to market participants.

“(K) INFORMATION-SHARING.—The Carbon Clearing Organization shall—

“(i) enter into and abide by the terms of all appropriate and applicable domestic and international information-sharing agreements; and

“(ii) use relevant information obtained from the agreements in carrying out the risk management program of the Carbon Clearing Organization.

“SEC. 207. AUTOMATED QUOTATION SYSTEMS.

“(a) IN GENERAL.—The Commission shall facilitate the widespread dissemination of reliable and accurate last-sale and quotation information with respect to regulated instruments, short sales, and private bilateral contracts the value of which, in whole or in part, is linked to the price of a regulated instrument by establishing an automated quotation system that will collect and disseminate information regarding all regulated instruments.

“(b) CHARACTERISTICS OF SYSTEM.—The automated quotation system shall—

“(1) collect and disseminate quotation and transaction information;

“(2) provide bid and ask quotations of participating brokers or dealers; and

“(3) provide for the reporting of information on bids, offers, settlement prices, volume, open interest, and opening and closing ranges for all regulated instrument transactions, including last-sale reporting.

“(c) ELECTRONIC LINKAGE.—The carbon allowance trading facility and all registered carbon derivative trading facilities shall be linked electronically with the automated quotation system.

“(d) MISSING.—All registered carbon trading facilities shall share sufficient information with the automated quotation system to allow the implementation of this section.

“SEC. 208. ADMINISTRATIVE ENFORCEMENT.

“(a) INVESTIGATIONS.—The Commission may conduct such investigations as the Commission determines to be necessary to carry out this title, in accordance with this Act.

“(b) REVIEW OF ADVERSE ACTION BY REGISTERED CARBON TRADING FACILITY.—

“(1) IN GENERAL.—

“(A) DISCIPLINARY ACTIONS.—The Commission may, in accordance with such standards and procedures as the Commission determines to be appropriate, review a decision by a registered carbon trading facility—

“(i) to suspend, expel, or otherwise discipline a member of the trading facility; or

“(ii) to deny access to the trading facility.

“(B) OTHER ACTIONS.—On application of any person who is adversely affected by any decision by a registered carbon trading facility described in subparagraph (A), the Commission may—

“(i) review the decision; and

“(ii) issue such order with respect to the decision as the Commission determines to be appropriate to protect the public interest.

“(2) SCOPE OF AUTHORITY.—The Commission may affirm, modify, set aside, or remand a trading facility decision reviewed under paragraph (1), after a determination on the record as to whether the decision was made in accordance with the rules of the trading facility.

“(c) COMPLAINTS.—The Commission shall enforce this title in accordance with this Act.

“(d) AUTHORITY TO SUSPEND OR REVOKE REGISTERED CARBON TRADING FACILITY DESIGNATION.—The Commission may suspend for a period of not more than 180 days, or revoke, the designation of a trading facility as a registered carbon trading facility if, after notice and opportunity for a hearing on the record, the Commission finds that—

“(1) the trading facility or the entity, as the case may be, has not complied with a requirement of subsection (a)(3) or (c) of section 205, as the case may be; or

“(2) a director, officer, employee, or agent of the trading facility or entity, as the case may be, has violated this title or a regulation or order promulgated or issued under this title.

“(e) INJUNCTIVE RELIEF.—If the Commission finds that a person has violated this title or a regulation or order promulgated or issued under this title, the Commission may seek injunctive relief in accordance with this Act.

“(f) TRADING SUSPENSIONS; EMERGENCY AUTHORITY.—

“(1) DEFINITION OF EMERGENCY.—In this subsection, the term ‘emergency’ means—

“(A) a major market disturbance characterized by or constituting—

“(i) sudden and excessive fluctuations of prices of regulated instruments generally (or a substantial threat of such sudden and excessive fluctuations) that threaten fair and orderly markets; or

“(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in regulated instruments (or a substantial threat of such a disruption); or

“(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

“(i) the functioning of markets in regulated instruments, or any significant portion or segment of the markets; or

“(ii) the transmission or processing of transactions in regulated instruments.

“(2) TRADING SUSPENSIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), if the Commission determines that the public interest so requires, the Commission may, by order, summarily suspend all trading of regulated instruments on any trading facility or otherwise, for a period not exceeding 90 calendar days.

“(B) NOTIFICATION OF DECISION.—An order issued by the Commission under subparagraph (A) shall not take effect unless—

“(i) the Commission notifies the President of the decision of the Commission; and

“(ii) the President notifies the Commission that the President does not disapprove of the decision.

“(3) EMERGENCY ORDERS.—

“(A) IN GENERAL.—The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or an entity registered under this title, as the Commission determines is necessary in the public interest—

“(i) to maintain or restore fair and orderly markets in regulated instruments; or

“(ii) to ensure prompt, accurate, and safe clearance and settlement of transactions in regulated instruments.

“(B) EFFECTIVE PERIOD.—An order of the Commission under this paragraph—

“(i) shall continue in effect for the period specified by the Commission;

“(ii) may be extended in accordance with subparagraph (C); and

“(iii) except as provided in subparagraph (C), may not continue in effect for more than 10 business days, including extensions.

“(C) EXTENSION.—An order of the Commission under this paragraph may be extended to continue in effect for more than 10 business days, but in no event may continue in effect for more than 30 calendar days, if, at the time of the extension, the Commission determines that—

“(i) the emergency situation still exists; and

“(ii) the continuation of the order beyond 10 business days is necessary in the public interest and for the protection of investors to attain an objective described in clause (i) or (ii) of subparagraph (A).

“(D) EXEMPTION.—In exercising the authority provided by this paragraph, the Commission shall not be required to comply with section 553 of title 5, United States Code.

“(4) TERMINATION OF EMERGENCY ACTIONS BY PRESIDENT.—The President may direct that action taken by the Commission under paragraph (3) shall not continue in effect.

“(5) COMPLIANCE WITH ORDERS.—A member of a trading facility, introducing broker, dealer, floor broker, or floor trader shall not effect any transaction in, or induce the purchase or sale of, any regulated instrument in contravention of an order of the Commission under this subsection, unless the order—

“(A) has been stayed, modified, or set aside as provided in paragraph (6); or

“(B) has ceased to be effective on direction of the President as provided in paragraph (4).

“(6) LIMITATIONS ON REVIEW OF ORDERS.—

“(A) IN GENERAL.—An order of the Commission pursuant to this subsection shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit.

“(B) BASIS.—A review of an order under subparagraph (A) shall be based on an examination of all the information before the Commission at the time the order was issued.

“(C) STANDARD FOR FINDINGS.—The reviewing court shall not enter a stay, writ of mandamus, or similar relief unless the court finds, after notice and hearing before a panel of the court, that the action of the Commission is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

“(g) OTHER AUTHORITY TO ISSUE ORDERS.—The Commission may issue such other orders as are necessary to ensure compliance with this title (including regulations promulgated under this title).

“(h) TRADING FEES TO SUPPORT COMMISSION ACTIVITIES.—

“(1) IN GENERAL.—To support oversight by the Commission of markets under this title, each registered trading facility shall charge a trading fee, per transaction, to be established by the Commission at a level not to exceed ½ of 1 percent of the value of the contract being executed.

“(2) REMITTANCE OF FEES.—Each registered trading facility shall submit fees charged under this subsection to the Commission on such schedule as the Commission shall designate.

“SEC. 209. CIVIL JUDICIAL ENFORCEMENT.

“(a) IN GENERAL.—If it appears to the Commission that a person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of this title (including a regulation promulgated or order issued under this title), the Commission may bring a civil action in the appropriate United States district court or United States court of any territory or other place subject to the jurisdiction of the United States—

“(1) to enjoin the act or practice; or

“(2) to enforce compliance with this title (or a regulation or order promulgated or issued under this title).

“(b) FORMS OF RELIEF.—

“(1) INJUNCTIVE RELIEF; RESTRAINING ORDER.—On a proper showing, a court described in subsection (a) shall grant a permanent or temporary injunction or issue a restraining order, without bond.

“(2) CIVIL MONEY PENALTY.—

“(A) IN GENERAL.—The Commission may seek and the court, on a proper showing, shall have jurisdiction to impose on any person found in the civil action brought under this section to have committed a violation, a civil penalty in an amount that is not more than the greater of—

“(i) \$100,000; or

“(ii) triple the monetary gain to the person for the violation.

“(B) ENFORCEMENT OF PENALTY BY THE ATTORNEY GENERAL.—If a person on whom such a penalty is imposed fails to pay the penalty

within the time prescribed in the order of the court, the Commission may refer the matter to the Attorney General, who shall recover the penalty by action in the appropriate United States district court.

“SEC. 210. CRIMINAL ENFORCEMENT.

“(a) VIOLATIONS GENERALLY.—A person that knowingly violates section 204 (or any regulation promulgated under section 204), or willfully violates any other provision of this title (or a regulation promulgated under this title) the violation of which is made unlawful or the observance of which is required by or under this title, shall—

“(1) be fined not more than \$1,000,000 (or not more than \$500,000, if the violator is an individual), imprisoned not more than 5 years, or both; and

“(2) shall pay the costs of prosecution.

“(b) FAILURE TO COMPLY WITH CEASE AND DESIST ORDER.—

“(1) IN GENERAL.—If, after the period allowed for appeal of an order issued under section 206(e) or after the affirmation of such an order, a person subject to the order fails or refuses to comply with the order, the person shall be—

“(A) fined not more than the greater of \$100,000 or triple the monetary gain to the person, imprisoned not less than 180 days nor more than 1 year, or both; or

“(B) if the failure or refusal to comply involves a violation referred to in subsection (a), subject to the penalties provided in that subsection for the violation.

“(2) SPECIAL RULE.—Each day during which a failure or refusal to comply with such an order continues shall be considered to be a separate offense for purposes of paragraph (1).

“SEC. 211. MARKET REPORTS.

“(a) COLLECTION AND ANALYSIS OF INFORMATION.—The Commission shall, on a continuous basis, collect and analyze the following information on the functioning of the markets for regulated instruments established under this title:

“(1) The status of, and trends in, the markets, including prices, trading volumes, transaction types, and trading channels and mechanisms.

“(2) Spikes, collapses, and volatility in prices of regulated instruments, and the causes of the spikes, collapses, and volatility.

“(3) The relationship between the market for emission allowances, offset credits, and allowance derivatives, and the spot and futures markets for energy commodities, including electricity.

“(4) Evidence of fraud or manipulation in any such market, the effects on any such market of any such fraud or manipulation (or threat of fraud or manipulation) that the Commission has identified, and the effectiveness of corrective measures undertaken by the Commission to address the fraud or manipulation, or threat.

“(5) The economic effects of the markets, including to the macro- and micro-economic effects of unexpected significant increases and decreases in the price of regulated instruments.

“(6) Any changes in the roles, activities, or strategies of various market participants.

“(7) Regional, industrial, and consumer responses to the market, and energy investment responses to the markets.

“(8) Any other issue relating to the markets that the Commission determines to be appropriate.

“(b) QUARTERLY REPORTS TO CONGRESS.—Not later than 30 days after the end of each calendar quarter, the Commission shall submit to the President, the Committee on Energy and Commerce of the House of Representatives, the Committee on Energy and

Natural Resources of the Senate, and the Committee on Environment and Public Works of the Senate, and make available to the public, a report on the matters described in subsection (a) with respect to the quarter, including recommendations for any administrative or statutory measures the Commission considers necessary to address any threats to the transparency, fairness, or integrity of the markets in regulated instruments.

“SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

“In addition to any fees collected by the Commission under this Act, there are authorized to be appropriated such sums as are necessary to carry out this title.”.

(b) CONFORMING AMENDMENT.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 1a (7 U.S.C. 1a) the following:

“TITLE I—REGULATION OF COMMODITY EXCHANGES”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 207—RECOGNIZING THE 100TH ANNIVERSARY OF THE INDIANAPOLIS MOTOR SPEEDWAY

Mr. BAYH (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 207

Whereas the Indianapolis Motor Speedway is the largest spectator sporting facility in the world, with more than 250,000 permanent seats;

Whereas founders Carl G. Fisher, Arthur C. Newby, Frank H. Wheeler, and James A. Allison pooled their resources in 1909 to build the Indianapolis Motor Speedway 5 miles from downtown Indianapolis as a testing ground to support the growing automotive industry of Indiana;

Whereas, on August 14, 1909, the first motorized races, using motorcycles, took place on the recently completed 2.5-mile oval, which had a racing surface composed of crushed stone and tar;

Whereas, on August 19, 1909, the first 4-wheeled automobile races at the Indianapolis Motor Speedway took place;

Whereas, for 63 days in late 1909, 3,200,000 paving bricks, each weighing 9.5 pounds, were laid on top of the crushed stone and tar surface to upgrade the Indianapolis Motor Speedway, leading the facility to be nicknamed “The Brickyard”;

Whereas a 3-foot horizontal strip of that original brick remains exposed at the start and finish line, known as the “Yard of Bricks”;

Whereas, on May 30, 1911, the first Indianapolis 500-mile race (in this preamble referred to as the “Indianapolis 500”) took place and was won by Ray Harroun at an average speed of 74.602 miles per hour;

Whereas the Indianapolis Motor Speedway was a pioneer in introducing seating areas specifically for people with disabilities;

Whereas the race car of Ray Harroun, the Marmon “Wasp”, was the first automobile to use a rearview mirror, one of many innovations in automotive technology and safety devised or developed at the Indianapolis Motor Speedway, including in 1911 the first use of a Pace Car, in 1921 the first use of 4-wheel hydraulic brakes, in 1935 the first installation of color warning lights, in 1935 the first mandatory use of helmets, in 1993 the first use of crash-data recorders, and in 2002 the steel and foam energy reduction

(SAFER) barrier, an energy-absorbing barrier affixed to concrete walls that has become the standard at all major oval tracks in the United States;

Whereas the Indianapolis 500, the largest single-day spectator sporting event in the world, has occurred on every Memorial Day weekend since 1911, except during the involvement of the United States in world wars from 1917 through 1918 and 1942 through 1945;

Whereas, in 1977, Janet Guthrie became the first woman to compete in the Indianapolis 500, making the competition the first and only major sport in which men and women compete, according to the same rules, against one another;

Whereas, in 1991, Willy T. Ribbs became the first of several African-American drivers to compete in the Indianapolis 500;

Whereas, in 2005, Danica Patrick became the first female driver to lead the Indianapolis 500 when she took the lead near the 140-mile mark;

Whereas, in 2009, Helio Castroneves became a 3-time winner of the Indianapolis 500 and Danica Patrick finished in third place, the best finish ever by a woman in the sport;

Whereas the Indianapolis Motor Speedway, by hosting the IndyCar Series, the NASCAR Sprint Cup Series, the MotoGP Series, and the Formula One Series, is the only facility in the world that has played host to 4 elite racing series;

Whereas nearly every international motorsport icon has competed and won at the Indianapolis Motor Speedway, including A.J. Foyt, Al Unser, Rick Mears, Dale Earnhardt, Mario Andretti, Graham Hill, Jeff Gordon, Tony Stewart, Jimmie Johnson, Michael Schumacher, Lewis Hamilton, and Valentino Rossi;

Whereas every May since 1981 the Indianapolis Motor Speedway has served as the backdrop for the annual Armed Forces Induction Ceremony, in which citizens of Indiana who have volunteered to serve in the Armed Forces are administered the oath of enlistment;

Whereas, in 1987, the Indianapolis Motor Speedway was officially listed on the National Park Service list of National Historic Landmarks as the oldest continuously operated automobile racecourse; and

Whereas, the Indianapolis Motor Speedway has played an enormous part in shaping and defining the City of Indianapolis, the State of Indiana, United States motorsports, and the United States automobile industry, and is a great source of pride to all citizens of Indiana: Now, therefore, be it

Resolved, That the United States Senate recognizes the 100th anniversary of the Indianapolis Motor Speedway.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1369. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

SA 1370. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, supra.

TEXT OF AMENDMENTS

SA 1369. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1365 proposed by Mr.

NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORTING REQUIREMENT.

Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88-454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking “shall” and inserting “may”; and

(2) by adding at the end the following:

“(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

“(1) shall publicly post on-line on the website of the Senate each report in a searchable itemized format as required under this section;

“(2) shall issue each report required under this section in electronic form; and

“(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate.”.

SA 1370. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. ENGRAVING OF THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO IN THE CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of “In God We Trust” in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 197 and 258; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order and any statements relating thereto be printed in the RECORD; the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

ENVIRONMENTAL PROTECTION AGENCY

Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

DEPARTMENT OF DEFENSE

Daniel Ginsberg, of the District of Columbia, to be an Assistant Secretary of the Air Force.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ FIRST TIME—H.R. 2454

Mr. MERKLEY. Mr. President, I understand that H.R. 2454 has been received from the House and is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. MERKLEY. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

Mr. MERKLEY. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, JULY 7, 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, July 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, with Senators permitted to speak therein for up to 10 minutes each; that following morning business, as previously ordered, the Senate proceed to H.R. 2892, the Homeland Security appropriations bill; finally, I ask 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. Mr. President, tomorrow, we will begin consideration of the Homeland Security appropriations bill. Rollcall votes are expected to occur throughout the day. As stated earlier today, at approximately 12:15 tomorrow, Senator-elect Al Franken will be sworn in to be U.S. Senator from the State of Minnesota.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 7:12 p.m. adjourned until Tuesday, July 7, 2009, at a 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

JOHN M. MCHUGH, OF NEW YORK, TO BE SECRETARY OF THE ARMY, VICE PRESTON M. GEREN.

CORPORATION FOR PUBLIC BROADCASTING

PATRICIA D. CAHILL, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014, VICE CHERYL FELDMAN HALPERN, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

ANTHONY MARION BABAUTA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE LESLIE M. TURNER, RESIGNED.

SAMUEL D. HAMILTON, OF MISSISSIPPI, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE H. DALE HALL, RESIGNED.

DEPARTMENT OF STATE

JON M. HUNTSMAN, JR., OF UTAH, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE

UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

DOUGLAS W. KMIEC, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

EARL MICHAEL IRVING, OF CALIFORNIA, 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 KINGDOM OF SWAZILAND.

JONATHAN S. ADDLETON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

GAYLEATHA BEATRICE BROWN, OF NEW JERSEY, 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 BURKINA FASO.

DAVID H. THORNE, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

FEDERAL MEDIATION AND CONCILIATION
SERVICE

GEORGE H. COHEN, OF VIRGINIA, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR, VICE ARTHUR F. ROSENFELD, RESIGNED.

DEPARTMENT OF LABOR

JOSEPH A. MAIN, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE RICHARD STICKLER.

DEPARTMENT OF HOMELAND SECURITY

RAFAEL BORRAS, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE ELAINE C. DUKE, RESIGNED.

SMALL BUSINESS ADMINISTRATION

PEGGY E. GUSTAFSON, OF ILLINOIS, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE ERIC M. THORSON.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, July 6, 2009:

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN ALAN OWENS, OF ARIZONA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF DEFENSE

DANIEL GINSBERG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on July 6, 2009 withdrawing from further Senate consideration the following nomination:

PHILIP MUDD, OF VIRGINIA, TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY, (NEW POSITION), WHICH WAS SENT TO THE SENATE ON MAY 4, 2009.