

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 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 UDALL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of Colorado thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3288, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 3288, making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 2 p.m. will be equally divided and controlled between the leaders or their designees.

The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry: How much time would I be recognized for now?

The ACTING PRESIDENT pro tempore. The Senator from Iowa will be recognized for 13 minutes.

Mr. HARKIN. Mr. President, today and every day an estimated 14,000 Americans will lose their health insurance coverage. The historic legislation before us takes unprecedented steps to expand this coverage to the great majority of Americans, while cracking down on the abusive practices of the

health insurance industry. However, expanding coverage alone is not going to solve our problem. The additional 31 million Americans who will gain coverage thanks to this bill are going to need health care providers, mainly primary health care providers—the doctors, the nurses, the many other health professionals whose skills and hard work provide patients with the high-quality health care they need. We are going to need public health professionals who can provide assistance during times of emergency such as the current H1N1 pandemic. They will need places to go when they become sick, including doctors' offices, community health centers, and nurse-managed health clinics.

Today, many communities are facing shortages of primary care practitioners and other health care providers. This map gives an indication of the lack of primary health care providers in America. The darker area is where we have the lowest number of primary health care practitioners. We can see it is mostly rural America. That is not entirely true, but it is mostly in rural America in which we lack that kind of care.

Currently, 65 million Americans live in areas suffering from a shortage of these health care professionals. The Department of Health and Human Services estimates it would take more than 16,000 additional practitioners to meet our need. Many of my constituents—and I am sure those of the occupant of the chair—don't have the primary care practitioners they need.

I must say, I was up this morning; I was working out; I was watching CNN news. Along came a little blurb: Shortage of primary care health care people in America. That is going to put a crunch on us in terms of meeting our health care needs. People are now beginning to pick up on this all over the country.

What are we doing about it? First, we have to recognize some of the root causes. One of the root causes is debt. It is the amount of money health care students pay to go to school. Here is the debt of graduates of medical school: 44 percent have over \$175,000 of debt; the vast majority have over \$125,000; and some, almost half, have \$175,000 of debt. What happens is that with this huge debt, they can't afford to work in rural areas or areas where they don't get recompensed.

Qualified applicants are not admitted because of a shortage of faculty members. In 2008, an estimated 50,000 applicants were turned away from baccalaureate and graduate schools of nursing. This is unacceptable. Again, not only do we have to have more primary care practitioners, we need the faculty.

It is a growing problem. The Bureau of Labor Statistics estimates that by 2016, we will have a shortage of over 1 million direct care workers, including home health aides, nursing aides, and others who care for our aging population. That is why expanding access to

primary and preventative care has been a key focus throughout our health reform efforts.

With Senator MURRAY's leadership of the workforce group, the HELP Committee has focused on expanding resources to increase the supply of qualified health care providers. In the Finance Committee, Senator BAUCUS also made expanding access to primary care a priority, as well as expanding residency and training initiatives for primary care practitioners. Under Majority Leader REID's guidance, the Patient Protection and Affordable Care Act, the health reform bill before us, combined both HELP Committee and Finance Committee provisions to expand the health care workforce, especially the primary care workforce.

Let's see what this does.

First, the bill will train an additional 24,000 primary care physicians via the National Health Services Corps. It provides loan repayment, scholarships, and higher reimbursement for primary care providers in underserved areas. It also increases the supply of public health workers at the Federal, State, and local level, and tribal health agencies. We provide new resources for more community health centers and nurse-managed health centers. We expand primary care residency and training initiatives and hospitals and community health centers.

Our bill will improve health care providers' ability to serve our increasingly diverse population by providing training in cultural competency, in working with individuals with disabilities, in providing care within the medical home model. Because innovative health care delivery models such as the medical home emphasize team-based care, we invest in a range of health care professionals, from physicians, to nurses, to dentists, to home health aides, to allied health professionals.

In addition, to increase the capacity of health professionals schools and faculty to train new providers, we offer loan repayment programs to doctors, nurses, and dentists who agree to serve as faculty members at medical, nursing, and dental schools.

Finally, our bill creates an independent national health care workforce commission to examine and provide recommendations to Congress on how Federal workforce programs can be improved and how Federal dollars can be most effectively spent.

It is critical that we act on this historic legislation for many reasons. Most of the debate has been about expanding coverage, cracking down on health insurance abuses, and expanding preventative care to keep people healthy in the first place.

But there is also one other aspect of this bill that has not been talked about; that is, what we are doing to increase the number of people whom we are going to have to have for primary care, for our community health centers, for faculty members in the future. This is something we have ignored for

far too long at our own peril. We can't forget that while we are expanding coverage—and we are going to cover 94 percent of the American people with this health care bill—while we will make it more affordable, while we are going to protect Medicare, while we are going to do all the things to really make our health system more affordable, more quality-conscious, cover more people, make sure people can get in to their primary care first rather than go to an emergency room, we can't forget that we need the faculty. We need teachers, and we need to help in debt repayment, loan repayments, by giving more scholarships to these young people, the nurses, the nurses aides, the physical therapists, the people who work with people with disabilities, doctors, dentists—the whole panoply of people involved in primary care. We have to help them get through school so they don't have a mountain of debt on their heads, so they can practice medicine where they want, not where they are forced to go in order to pay back their debts.

Again, I thank Senator MURRAY on the HELP Committee, who did so much to put all of this into our bill. This is a major provision of the health care legislation we are not hearing debated about here on the floor very much, but it is one of the most critical parts of the bill.

I thank Senator BAUCUS and all the work they did on the Finance Committee to put in the tax provisions and others to help us, first, invest in and grow the primary care workforce and also to make it possible for people to become faculty members and teachers by helping them pay back their loans and their debts.

I wanted to take this time to highlight this part of the bill. It is not talked about much, but I believe it is one of the most important parts of the health reform bill before us.

I yield the floor and retain the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. How much time remains on both sides?

The ACTING PRESIDENT pro tempore. The minority has 13 minutes, and the majority has 4 minutes.

Mr. MCCAIN. I yield 3 minutes to the Senator from Florida.

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

Mr. LEMIEUX. Mr. President, I am here to speak about this omnibus spending bill we will vote on today. It is more proof that Washington is out of control in its spending and that the leadership on the other side of the aisle is wanting to spend our children's money.

This is a \$445 billion bill. I know my colleague from Arizona will talk about the 5,000 earmarks in this bill costing \$3.9 billion. It is a 12-percent spending increase over last year, \$46.7 billion more than the bloated budget we

passed in 2009, a 33-percent increase in State-Foreign Operations, a 24-percent increase in Transportation and HUD. These are unsustainable. We have a \$12 trillion debt, a debt our children and our grandchildren will have to pay.

Here we are again with a 12-percent increase, and in a bill that is full of earmarks—earmarks such as \$700,000 for a shrimp fishing project in Maryland, \$30,000 for the Woodstock Film Festival youth initiative. I am sure these are great programs, but when we have \$12.001 trillion in debt, we can't afford these programs.

Mr. President, 2009 has been a record-setting year for debt. We had a \$1.4 trillion budget deficit. Now in 2010, even though we are new in the year, we are already running a \$296 billion budget deficit. In October and November, we took in \$268 billion in tax revenues. That is a hard number to find around here because most people don't look at the money we take in. They can just spend whatever they want to. We took in \$268 billion, but we spent \$565 billion.

This is not how families make their decisions around their kitchen tables, where they have to make ends meet. This is not even how the States do it, where they have balanced budget amendments. The spending in Washington is out of control, and the Members of this body should not vote for this omnibus spending bill.

Mr. President, I yield back the remainder of my time to my colleague from Arizona.

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

Mr. MCCAIN. Mr. President, I understand there will be debate until 2 o'clock, and then a vote on the consolidated—consolidated—appropriations conference report. What does "consolidated appropriations conference report" mean? It means there are six bills, three which were never considered on the floor of the Senate. That is what the Senate means by "consolidated," my friends. So for three of the bills, we were never allowed to debate, to amend, or accept, or reject.

They are now spending \$450 billion, loaded up with 4,752 earmarks, totaling \$3.7 billion, 1,350 pages long, and of that 409 pages are dedicated to listing congressional porkbarrel spending.

I know most Americans are watching NFL football today and they probably do not pay much attention to what we do on a Sunday afternoon here on the floor of the Senate. But if they knew—if they knew what we are about to pass: a bill that has increased spending by 14 percent over last year's level, with the exception, of course, for our veterans care, which is only increased by 5 percent.

Here we are with a \$1.4 trillion—now a \$1.5 trillion debt this year, an aggregate of over \$12 trillion, unemployment at 10 percent, and 900,000 families who lost their homes in 2008, and the numbers for 2009 will be greater.

So what do we do here? We spend and spend and earmark and earmark. The Consumer Price Index went down 1.3 percent, so we are going to increase spending by 5 percent.

What could the American people do with the \$3.7 billion in earmarks that are in this bill? Let me tell you a few of them, and you will not believe it, and I am not making it up: \$2.7 million to support surgical operations in outer space at the University of Nebraska.

I know Trekkies all over America will approve of that. I know Dr. Leonard McCoy—"Bones"—and even Dr. Spock and Captain Kirk will call them all to the bridge and be happy to know that \$2.7 million is going to go to Dr. Leonard McCoy and his friends to support surgical operations in outer space, while thousands of Americans are losing their homes.

Another one I have been unable to describe adequately without violating the rules of the Senate: \$655,000 for Cedars-Sinai Medical Center, Los Angeles, CA, for equipment and supplies for the Institute for Irritable Bowel Syndrome Research. The only thing I can say is, that problem will not be reduced when people read this legislation, so there may be a need for it.

So here we are. The list goes on and on. It is crazy stuff: \$200,000 for a visitors center in Bastrop, TX, population 5,340; \$292,200 for elimination of slum and blight in Scranton, PA—the cast of "The Office" is rejoicing—\$200,000 for "design and construction of the Garapan Public Market" in the Northern Mariana Islands. The Woodstock Film Festival Youth Initiative is going to get \$30,000.

It is beyond imagination when you put it into the context that Americans are suffering more than they have at anytime in their lives. Thanks to the greed and avarice of Wall Street, Main Street is under tremendous duress. This is shameful.

I want to remind my colleagues, last March—not that long ago—the President of the United States signed another pork-laden omnibus bill. The President of the United States said:

I am signing an imperfect omnibus bill because it is necessary for the ongoing functions of government. But I also view this as a departure point for more far-reaching change.

He also said:

The future demands that we operate in a different way than we have in the past. So let there be no doubt: this piece of legislation—

The one he was signing last March loaded with pork—

this piece of legislation must mark an end to the old way of doing business, and the beginning of a new era of responsibility and accountability that the American people have every right to expect and to demand.

If the President of the United States is going to carry out those words, he will veto this bill. He will veto this bill and send it back and tell them to get rid of this pork, tell them to get rid of it.

So what is going to happen? In a few minutes—we all know what is going to happen in a few minutes—by a very large vote, the Senate of the United States is going to vote in favor of this bill. There will be, on this side of the aisle—the party of fiscal conservatives that lost the last two elections—one major reason being because we let spending get out of control—there will be Members on this side of the aisle who will vote for this porkbarrel bill. On the other side of the aisle, a majority over there—an overwhelming majority; all but maybe one or two—will also vote for the bill. Then they will go home—if we ever get out of here—they will go home, and they will say: I am a fiscal conservative, and I am all for a commission to cut spending. Let's appoint a commission. Let's not take any responsibilities ourselves. Let's appoint a commission, and that commission will recommend how we can reduce spending.

If you want to reduce spending and eliminate unnecessary and wasteful spending, vote against this bill that increases spending over last year by some 14 percent. If you want to vote for it, fine, but isn't it a little hard, with a straight face, to go back and tell your constituents you are for the elimination of this wasteful and porkbarrel and corrupting spending? It corrupts, my friends. It is a gateway drug to corruption. We have former Members of Congress in Federal prison because of this.

First, since it is going to be passed, I urge the President of the United States—I do not urge—I demand the President of the United States to keep his word when he signed another porkbarrel-laden bill last March, to veto this bill. I urge my colleagues—I urge my colleagues—let's stand up against this for once: a bill that has \$3.7 billion in earmarks.

Immediately, colleagues remind us: Well, this is a legitimate earmark. This is important; that is important. The problem with it is, nobody ever saw it before. It never competed. Maybe we need to support surgical operations in outer space. Do we need it at the University of Nebraska? No. It is earmarked for the University of Nebraska.

By the way, I do not think, except for Trekkies, many Americans think we need to spend \$2.7 million to support surgical operations in outer space.

All I can say is: Do not be surprised when the American people, less than a year from now, next November, rise up and reject this kind of behavior and practice of irresponsible spending, while they are hurting more than they have ever been in their lives. They deserve better than what we are getting out of this legislative process, and they have every right to demand something different.

Let's show some courage and vote against this bill, send it back to the President, get rid of the porkbarrel spending, and send it back, and let us

vote for it. We could do it immediately. I urge my colleagues, look at this bill and vote against it.

Mr. President, I reserve the remainder of my time.

Ms. MIKULSKI. Mr. President, my top priority is jobs—to help those who have one, keep it and to help those who don't have one, find one. That is why I have always supported the automobile dealers in Maryland and across the country, which each employ on average about 50 people and are also economic pillars in large and small communities throughout the United States. Dealers don't just provide jobs for people who sell cars they also provide them to people who service the cars and for managers and office workers who make dealerships run smoothly.

I have fought for the auto dealers in several ways over the past year, first on the Recovery Act, where we passed tax incentives to help consumers purchase new cars, and then again this summer when I worked with my colleagues to pass cash for clunkers, which saved jobs in the auto industry, promoted energy efficiency, and helped the middle-class afford a car, which is most families' second largest purchase behind their home.

Dealers are not only critical to their local economies; they also make the auto industry work by distributing, selling, and servicing the cars at practically no cost to the manufacturers. That is why I cosponsored S. 1304—to give car dealers a chance to contribute to our economic recovery and to provide jobs as the domestic auto industry restructures and retools.

Today, I am proud to support a provision in section 747 of the Financial Services appropriations conference report that shows dealers that Congress is on their side and on the side of creating and protecting jobs as our economy struggles toward recovery.

This provision will give automobile dealers around the Nation a fair shot at getting back into business by setting up a neutral and fair arbitration process. First, it requires that manufacturers make all pertinent information available to dealers. I expect all parties to fully comply with this requirement and for all relevant information to be made available in a transparent and easily understandable form to dealers and to the arbitrators.

Also, I support section 747 because it requires arbitrators to consider all the relevant factors that affect whether a dealer is and can be successful, and that demonstrate how dealers contribute to the viability of the manufacturing companies whose cars they sell. I also expect and encourage arbitrators to consider the rights that dealers are guaranteed under all applicable Federal and State laws when making their decisions.

Our economy is struggling to recover because there aren't enough jobs. Auto dealers are a major employer across the country, and they also are essential to reviving a healthy American

auto industry. As the American auto industry looks to the future, we can't forget the essential role that dealers play, providing both thousands of jobs and also the affordable cars and auto related services that American families need.

Mr. KAUFMAN. Mr. President, I rise today to voice my support for several of the initiatives in the State and Foreign Operations bill for fiscal year 2010, contained within the 2010 consolidated appropriations bill. Specifically, I want to highlight five specific areas that I view as critical to our national security: first, staffing resources for the Foreign Services of the Department of State and the U.S. Agency for International Development, or USAID; second, the Civilian Stabilization Initiative and Complex Crises Fund; third, economic and security assistance to Afghanistan, Pakistan, and Iraq; fourth, public diplomacy and international broadcasting; and fifth, reducing carbon emission and contributing to a global agreement on climate change. Our deepened investment and commitment to these issues are critical to maintaining America's leadership and defending U.S. security interests globally.

As we face the reality of engaging in two wars in Afghanistan and Iraq, it is essential that we recognize the civilian role in counterinsurgency. A strong civilian presence is essential to building governance, promoting economic development, and providing essential services to increase popular support for local governments facing insurgencies. As Secretary Clinton has highlighted, U.S. national security is about the three Ds—development, diplomacy, defense. If we invest more in development, we may prevent future conflicts through the critical work of civilians and avoid future burdens on our military.

Today, our Foreign Service officers at the Departments of State and USAID are on the frontlines in Afghanistan, Pakistan, and Iraq and around the world in places like Lebanon, Indonesia, and Haiti. At the same time, our military often ends up responding to crises because civilian agencies do not have the staff or the funding to do so as quickly, robustly, or efficiently. This is a trend we must seek to reverse, ensuring that all U.S. personnel—military and civilian—have the tools they need to succeed in increasingly difficult missions globally.

Today, there are more musicians in our military bands than diplomats in the State Department, which total less than 7,000. A report last year by the American Academy of Diplomacy documented the need for nearly 3,000 additional State Department and more than 1,000 additional USAID foreign service officers by fiscal year 2014. And this assessment was done before our increasing civilian needs in Afghanistan became clear.

I am encouraged that this bill begins to address this critical issue by providing for 745 new State Department

officers and 300 new officers at USAID. And as the requirements continue to grow, we must continue to build the size of the Foreign Service to meet increased needs globally. Finally, as more civilians serve in dangerous areas and warzones, they deserve our full support and gratitude for their service and sacrifice, especially the time these posts require away from their families.

The second area of the bill I would like to highlight is the Civilian Stabilization Initiative, which is led by the Office of the Coordinator for Reconstruction and Stabilization, or S/CRS, at the Department of State, in close cooperation with USAID and with the contribution of several other Federal agencies. S/CRS's mission is to enhance our institutional capacity to respond to crises involving failing, failed, and postconflict states and complex emergencies. S/CRS it tasked with leading and coordinating U.S. civilian efforts across the interagency to help stabilize and reconstruct societies in transition from conflict so they can reach a sustainable path toward peace, democracy, and a market economy.

I also welcome the funding component of this mission with the creation of a \$50 million Complex Crises Fund for USAID to prevent and respond quickly to emerging or unforeseen complex crises, in coordination with the Departments of State and Defense. It is my hope that we can continue to increase this funding through civilian accounts, especially as we phase out section 1207 funding in defense appropriations. The more robust our civilian agencies, the less burden we will impose on our already overstretched military.

The third program I would like to address is our foreign assistance budget in Afghanistan, Pakistan, and Iraq. This funding will help address some of our most critical foreign policy challenges and global security priorities. More girls will be in school, more families will have access to health care and other essential services, and more communities will thrive thanks to the more than \$2.6 billion for Afghanistan, more than \$1.4 billion in Pakistan, and \$467 million in Iraq. These are critical investments in the economic infrastructure and development of these countries and in the long-term security of the United States.

The fourth program I want to highlight is public diplomacy, specifically, U.S. international broadcasting and the work of the Broadcasting Board of Governors, BBG, which provides credible news programs and serves as an example of a free press worldwide. The bill we will soon vote on contains just under \$734 million allocated for international broadcasting operations. The more we can do to fund programs like the BBG, the better we will be able to compete with the forces of disinformation.

U.S. international broadcasting began during the early years of World War II, when Voice of America broad-

cast into areas formerly under Nazi occupation. The programs began by saying "daily at this time, we shall speak to you about America and the war. The news may be good or bad. We shall tell you the truth."

This tradition of journalistic integrity has continued to this day, as the BBG's entities—consisting of Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, Radio and TV Marti, and the Middle East Broadcasting Network—broadcast in 60 languages to an estimated weekly audience of 175 million people globally.

In the Foreign Relations Committee this October, Senator BOXER was gracious in allowing me to chair a hearing in her subcommittee to examine the BBG's work in Afghanistan and Iraq. In both countries, the BBG has created sources of credible news and information readily accessible to the local population, in some cases for the first time in their history. In this sense, the role of broadcasting in war zones is particularly critical because it creates channels of communication with and among the population, which plays a role in winning hearts and minds. This is why it is critical to continue to fund objective, reliable broadcasting.

While U.S. international broadcasting is essential to make sure facts are available worldwide via television and radio, the Internet and mobile networks are the medium of the future. And in repressive societies where there is no access to a free press, populations use the Internet and cell phones to evade government censorship. This year, we saw such examples dramatically played out—when the Uighurs of western China began protesting a brutal government crackdown and when demonstrators in Iran protested after the June presidential election.

In both cases, blogs, short-message services, and social networking sites were heavily utilized, and popular movements sought to evade state censorship with proxy sites and other technology. That is why, in the case of Iran, I introduced the Victims of Iranian Censorship, or VOICE Act with Senators MCCAIN, LIEBERMAN, CASEY, and GRAHAM. This bill, which was signed into law with the Defense authorization bill in October, authorized funds to continue the development online censorship evasion technology. I am pleased that \$30 million in this omnibus has been appropriated for the Internet Access and Freedom Account, so that such programs can be expanded, with a particular focus on Iran and China.

Finally, one of the most pressing issues we are facing is climate change. As we speak, representatives from more than 190 countries have gathered in Copenhagen to find common ground on averting the worst consequences of our changing climate and adapting to the changes we have already inflicted on the globe.

This will be the subject of much discussion on this floor in the coming

months. Today, I want to acknowledge that this bill takes bold and tremendously important steps toward creating a better and safer climate. More than \$1.2 billion are intended to help us face the threats of climate change, from contributions to multilateral funds that will bend the curve toward clean development around the world to assistance to the people most vulnerable to rising sea levels and changing rainfall patterns.

Mr. President, there are many provisions in this bill to be applauded, but I believe these five areas demonstrate significant investments in our national security. I look forward to casting my vote in favor of this bill, which I believe supports a stronger and better resourced American foreign policy.

Mr. MCCONNELL. Mr. President, today I will cast my vote against H.R. 3288, the six-bill appropriations omnibus. This bloated package includes the following spending bills: Military Construction/Veterans Affairs, VA; State, Foreign Operations; Commerce, Justice and Science; Financial Services; Transportation, Housing and Urban Development; and Labor, Health and Human Services and Education.

I will vote against this \$½ trillion package because it spends \$50 billion more in taxpayer money than last year—a 12 percent increase. When unemployment stands at 10 percent—and higher than that across Kentucky—and families are struggling to make ends meet, the Federal Government should not be burdening its citizens with more debt. Congress must be a better steward of public funds. Moreover, the bill includes a number of policy riders, such as spending taxpayer dollars on abortions, that undercut the culture of life that our government should be promoting.

My opposition to the omnibus as a whole comes despite the fact there are several portions of this sprawling package that I would like to vote for. For example, I support much of the Military Construction/VA bill. I voted for it as a freestanding measure when the Senate passed its version a few weeks ago. And the measure carries a number of provisions that are important to Kentuckians, such as enhanced funding of chemical demilitarization efforts at the Blue Grass Army Depot, added monies for the soldiers and their families at Fort Campbell, and a provision honoring Kentucky veteran Robley Rex. The Military Construction/VA bill also includes a number of important national priorities that I support such as modernizing troop housing, expanding mortgage relief for the men and women in uniform, enhancing rural health care for our veterans, improving family housing for our soldiers, bolstering mental health care for returning combat veterans, aiding homeless veterans, and strengthening the ability of the VA to process claims more quickly. Were the Military Construction/VA measure a freestanding bill, I would vote for it.

Aside from the Military Construction/VA portion of the omnibus, I also regret I cannot register my support for certain parts of the State, Foreign Operations appropriations bill. I favor a number of provisions in the latter bill including funding for Israel, support for our allies in the war on terror and monies for Burmese refugees.

Finally, there are segments of the other four bills in this package that reflect Kentucky priorities that were included at my request and that I am supportive of.

In closing, it is unfortunate that the majority continues to avoid regular order. I am hopeful that the majority's effort in this regard does not presage further legislative shortcuts on matters of national importance.

The ACTING PRESIDENT pro tempore. Who yields time?

Time will be charged equally.

Mr. BENNET. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Mr. President, if the Senator will withhold that.

Mr. BENNET. I will.

ARBITRATION PROCESS

Ms. STABENOW. Mr. President, I would like to discuss with the chairman of the Financial Services and General Government Appropriations Subcommittee, Senator DURBIN, as manager of the Financial Services Subcommittee section of the bill before the Senate, language included in the bill that creates a binding arbitration process for auto dealers associated with General Motors and Chrysler whose contracts were terminated as part of the manufacturers' restructuring efforts this year.

The difficult decisions made during the last year have highlighted the interconnectedness of the industry and have shown the impact that these companies have in every State in the country. I particularly understand how difficult this situation has been for Michigan auto dealers. My father and grandfather ran the Oldsmobile dealership in Clare, MI, where I grew up. My very first job was washing cars on that lot.

Thousands of employees, either directly employed by the companies or through the thousands of dealerships and suppliers, depend on the viability of the auto manufacturers. Without the manufacturers, there is no dealer network, and small businesses across the country would close, adding more devastating job losses as our economy is trying to recover. What we do here must continue to ensure a healthy future for the auto companies as they work towards a profitable future. When negotiating an agreement for arbitration was it the Chairman's intent that the dealers entitled to this arbitration process would only be the dealers that were terminated as a result of the bankruptcy?

Mr. DURBIN. Yes, it is my understanding that the only dealerships en-

titled to arbitration are those dealerships that were terminated as a result of the manufacturers' bankruptcy, rather than those that may have closed for other business reasons.

Ms. STABENOW. The statutory language for the arbitration process provides criteria that will be used to review each case. Is it the Chairman's goal that by considering the economic interest of the public at large the arbitrator should focus on maximizing the return of taxpayer dollars that have been invested in the company?

Mr. DURBIN. Yes, the economic interest of the public at large must be considered to ensure that the investments will be recovered as quickly as possible.

Ms. STABENOW. Additionally, when reviewing the cases, does the statutory language ensure arbitrators take into consideration the stability and protection of the existing dealer network?

Mr. DURBIN. Yes, the statutory language will allow arbitrators to review the potential impact of reinstating a dealership on the existing dealer network for the covered manufacturer, as well as on any dealer retained by the covered manufacturer in a given market territory.

Ms. STABENOW. I thank the Chairman for these clarifications and for his ongoing efforts to ensure a fair process for all stakeholders as the auto industry continues to restructure.

Mr. LEVIN. Mr. President, I would like to discuss with the chairman of the Financial Services and General Government Appropriations Subcommittee, Senator DURBIN, as manager of the Financial Services Subcommittee section of the bill before the Senate, two aspects of the provision included in that bill that establishes an arbitration process for review of decisions made by Chrysler and GM to terminate or wind down auto dealerships earlier this year. Under the process laid out in this provision, an arbitrator is to balance the economic interests of the covered dealership, the covered manufacturer, and the public at large by considering a number of factors. Those factors include the covered dealership's profitability, the covered manufacturer's overall business plan, the covered dealership's satisfaction of the performance objectives of the franchise agreement, and the covered dealership's performance in relation to the criteria used to terminate the dealership.

Is it the chairman's understanding that in looking at these factors, and in particular in looking at the dealership's profitability and the manufacturer's overall business plan, that the arbitrator will consider the profitability of the dealership with respect to the new vehicles sales of the covered manufacturer?

Mr. DURBIN. Yes, that is my understanding. In making decisions about the makeup of the dealership network, profitability in terms of new vehicles sales for that manufacturer is what is

critically important to the long-term financial health of the manufacturer. That manufacturer's long-term health is also vitally important to the Federal Government because of the significant taxpayer investment in these companies.

Mr. LEVIN. I thank the chairman for his assurances and his clarification.

I would also like to raise a question about the arbitration process established in this bill. The statutory language could be interpreted to allow for potentially as many as hundreds or thousands of arbitrators each involved in individual reviews of dealership decisions. I am concerned that a very large number of arbitrators would be unduly burdensome and impractical to the point of being unworkable. The statutory language requires that arbitrations be conducted in the State where the covered dealerships are located. It is my hope that the arbitration process could be managed in a given State so that there would be one arbitrator or a small manageable panel of arbitrators within any given State. Does the chairman believe that the statutory language would allow for management of arbitration in this way?

Mr. DURBIN. Yes, the statutory language would allow for that. The primary intent of this provision is to ensure that covered dealerships have a fair and impartial review of the termination decision. I agree with the Senator from Michigan that we should try to avoid a situation where there would be hundreds or even thousands of individual arbitrators.

Mr. LEVIN. Mr. President, I want to highlight several provisions of the legislation now before us that I believe will provide important benefits to Michigan and the Nation, and one that I think does not serve the Nation's interests.

The Consolidated Appropriations Act of 2010 contains provisions that will improve our health care system, ensure that contracting dollars do not flow to companies avoiding income taxes by incorporating overseas, improve Federal oversight of our financial system, and improve educational opportunity for our citizens.

I am especially pleased to see an increase in funding for health information technology, HIT. This bill will provide \$61 million to the Office of the National Coordinator for Health Information Technology. These funds will help increase administrative efficiency and move our current system away from paper-based organization. This will help ensure that doctors and patients have the necessary information easily accessible when working together to make important health care decisions and ensure that health records of individuals remain confidential. Improving the interoperability of our HIT systems will not only enhance the quality of care, experts believe that improved HIT will reduce health care costs for all Americans, streamlining

billing practices and reducing administrative costs that waste so many billions of dollars.

I strongly support the bill's language continuing the prohibition on Federal contracts with "inverted" corporations. Corporate inversions—the practice of incorporating some or all of a U.S.-based company's businesses overseas—are transparent tax-avoidance schemes. There is no reason we should provide taxpayer dollars to firms that dodge their tax obligations, and I am pleased that we will continue to bar such companies from Federal contracting unless doing so would damage national security.

The bill also includes an increase of \$151 million in funding for the Securities and Exchange Commission. This increased funding will support enhanced enforcement, capital market oversight, and investor protection activities, including investigations of accounting fraud, market manipulation, insider trading, and investment scams that target seniors and low-income communities. This is a wise investment in protecting our citizens and our economy from those who seek to profit by fraud or from taking excessive risks that endanger the financial system.

Also included are a number of important education provisions. The legislation would increase the maximum Pell grant award by \$200, to \$5,500; provide funding for disadvantaged, disabled and first-generation college students; and restore \$1.5 billion in title I funding for disadvantaged public school students. Of particular importance is \$11.5 billion in funding for Individuals with Disabilities Education Act programs, which marks a historic Federal commitment to education of those with disabilities.

There are also important measures that will help boost Michigan's economy and its future. I am pleased that this bill includes \$1 million I requested for the Thunder Bay National Marine Sanctuary and Underwater Preserve in Alpena. Part of the National Oceanic and Atmospheric Administration's sanctuary system, the Thunder Bay Sanctuary protects well-preserved shipwrecks that are a valuable piece of Michigan's history and our Nation's. The funding provided in this bill will allow for expansion of the Great Lakes Maritime Heritage Center to include a Science Hall and other facilities that will allow more people to explore and learn about Michigan's maritime history.

The bill also includes important language that will bring the Woodward Avenue Light Rail Project closer to reality, an important economic development project in the heart of metropolitan Detroit. The conferees retained language regarding the Woodward Avenue project similar to language I authored for the Senate bill.

These all are important provisions worthy of support. But I am disappointed that the legislation includes a provision requiring General Motors and Chrysler to submit to binding,

third-party arbitration in disputes with auto dealerships closed as part of those companies' restructuring efforts.

There is widespread agreement among auto industry analysts that GM and Chrysler needed to consolidate their dealer structure in order to compete. The Federal Government has made a substantial—and wise—investment in these companies, which are key components of our manufacturing sector. Submitting to arbitration of decisions already approved in bankruptcy court risks hampering the recoveries these companies and their workers are fighting so hard to achieve. My vote in favor of this act follows reassurances I received from the chairman of the Financial Services and General Government Appropriations Subcommittee, Senator DURBIN, in response to my concerns about a number of provisions in the arbitration language.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

All time has expired.

The question is on agreeing to the conference report.

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

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. MERKLEY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

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

The result was announced—yeas 57, nays 35, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—57

Akaka	Burriss	Collins
Baucus	Byrd	Conrad
Begich	Cantwell	Dodd
Bennet	Cardin	Durbin
Bingaman	Carper	Feinstein
Boxer	Casey	Franken
Brown	Cochran	Gillibrand

Hagan	Levin	Schumer
Harkin	Lieberman	Shaheen
Inouye	Lincoln	Shelby
Johnson	Menendez	Specter
Kaufman	Mikulski	Stabenow
Kerry	Nelson (NE)	Tester
Kirk	Nelson (FL)	Udall (CO)
Klobuchar	Pryor	Udall (NM)
Kohl	Reed	Warner
Landrieu	Reid	Webb
Lautenberg	Rockefeller	Whitehouse
Leahy	Sanders	Wyden

NAYS—35

Alexander	Enzi	McCain
Barrasso	Feingold	McCaskill
Bayh	Graham	McConnell
Bennett	Grassley	Murkowski
Brownback	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Corker	Isakson	Webb
Cornyn	Johanns	Snowe
Crapo	Kyl	Thune
DeMint	LeMieux	Vitter
Ensign	Lugar	Wicker

NOT VOTING—8

Bond	Dorgan	Murray
Bunning	Inhofe	Voinovich
Coburn	Merkley	

The conference report was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

Mr. MCCONNELL. Mr. President, I think you are going to report the bill. Regular order.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, is not the regular order to return to the health care bill?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Dorgan modified amendment No. 2793 (to amendment No. 2786), to provide for the importation of prescription drugs.

Crapo motion to commit the bill to the Committee on Finance, with instructions.

The PRESIDING OFFICER. The Republican leader is recognized.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, we have been trying for days to get an agreement to have votes on the health care measure, which our friends on the other side have said is so important to the American people and must be acted upon before Christmas. Specifically, the pending Crapo amendment has been there since last Tuesday. It now becomes clear to me the majority simply does not want to have any more votes, presumably pending these discussions that are going on behind closed doors on a bill that almost nobody in the Senate has seen.