United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, MARCH 4, 2010 *No. 30*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

God of all grace, in the darkness of our limited knowledge, we turn to You for light. Illuminate the path of our Senators so that they may glorify You. Teach them to test all things by their conscience and always strive to do what is right. In these challenging times, strengthen their weakness, bring courage for cowardice and invincible faith for doubts. May they so live that their actions can withstand the scrutiny and judgment of posterity.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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, March 4, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of the tax extenders legislation. Today, we will continue to work through the remaining amendments to the bill. Senators will be notified when votes are scheduled. There should be some this morning.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Madam President, the American people are asking us to start over on health care. They are asking us to scrap the massive bills Democrats have been trying to force on them. They want us to focus on cost instead. That has been their clear message now for over a year. But yesterday Democrats in Washington said they know better. The President and his allies in Congress made up their minds to turn aside any pretense of bipartisanship and plow ahead on a partisan bill—a partisan bill, by the way, that Americans don't want. In a last-ditch effort to get their way, they have staked themselves to a flawed vision of reform over the wishes of the public. What is that vision? It is a vision of health care whereby the Federal Government would become more involved in the health care decisions of every man, woman, and child in America; where small businesses get hit with new job-killing taxes; where Medicare is slashed for millions of seniors, insurance premiums go up, and Federal taxpayers are required, for the first time ever, to cover the cost of abortions.

The administration and its allies in Congress have tried repeatedly to jam this vision of health care through Congress without success. Now they are doubling down. They have one more tool in their arsenal, and they are deploying it. Meanwhile, the American people are watching all this in utter disbelief. Americans do want reform, but they don't want this. They are fed up because the longer Democrats cling to their flawed vision of reform, the longer Americans have to wait for the reforms they really want, the longer they will have to wait for us to focus on jobs and the economy.

The President did a very good job of laying out the problem yesterday. But the heart of the problem, as he himself described it, is the high cost of care, and the simple fact is, the bill he wants doesn't lower cost. On the contrary, the administration's own experts say the Democratic plan increases cost. This alone should be reason enough to start all over and put together a list of commonsense, step-by-step reforms that will actually lower cost.

The good news is we already have the list. At last week's health care summit at the White House, both parties acknowledged a handful of reforms on which all of us could agree. That is where we should start, on the things on which we agree.

Unfortunately, even before the summit began, Democrats were already intent on pushing the same old version they were pushing before the summit by any means possible. They couldn't get the old version over the finish line, even with all the backroom deals, the kickbacks, and the buy-offs, so sometime after the Massachusetts election,

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

they hatched a plan to win over wavering Democrats in the House by promising to use some legislative sleight of hand that will only require a slim partisan majority in the Senate. This is outrageous on two counts—first, because the method they are proposing has never been used on such a sweeping piece of legislation; second, because Americans have already told us, loudly and clearly, they don't want this partisan approach. What about public opinion do our friends in the majority not understand? The American people are saying loudly and clearly they don't want us to do this.

What is worse, many of the same Democrats who are now pushing this party-line vote are on record as being foursquare against it for major legislation such as this. Here is what one senior Democratic Senator had to say about party-line votes on major legislation only a few years ago:

I've never passed a single bill worth talking about that didn't have as a lead co-sponsor a Republican. And I don't know of a single piece of legislation that has ever been adopted here that didn't have a Republican and a Democrat in the lead. That's because we need to sit down and work with each other. The rules of this institution have required that—that's why we exist.

I couldn't agree more. Americans expect big bills to command big majorities. That is why this is not a fight between Democrats and Republicans; it is a fight between Democrats inside the beltway and their constituents beyond it.

There is a better way. There is a better path to reform that none of us will regret. It is time to listen to the American people. It is time to work together on the kinds of step-by-step reforms they are asking for. Americans aren't stupid. They know the option they are being presented with—the option of some massive bill or nothing. That is a false choice.

So let's drop the partisan plan. Let's drop this unsalvageable bill, and let's start over.

I yield the floor.

RESERVATION OF LEADER TIME

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

TAX EXTENDERS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Sessions amendment No. 3337 (to amendment No. 3336) to reduce the deficit by establishing discretionary spending caps.

Landrieu modified amendment No. 3335 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to extend for 2 years the low-income housing credit rules for buildings in the GO Zones, and for other purposes.

Reid (for Murray) amendment No. 3356 (to amendment No. 3336) to provide funding for summer employment for youth.

Coburn amendment No. 3358 (to amendment No. 3336) to require the Senate to be transparent with taxpayers about spending.

Baucus (for Webb/Boxer) amendment No. 3342 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.

Stabenow amendment No. 3382 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain American jobs through new domestic investments.

Feingold/Coburn amendment No. 3368 (to amendment No. 3336) to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks.

Brown (MA) amendment No. 3391 (to amendment No. 3336) to provide for a 6-month employee payroll tax rate cut.

Burr amendment No. 3389 (to amendment No. 3336) to provide Federal reimbursement to State and local Governments for a limited sales, use, and retailers' occupation tax holiday, and to offset the cost of such reimbursements.

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

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

Mr. BAUCUS. Madam President, we are now on our fourth day of consideration of this important legislation to create jobs and extend vital safety net and tax provisions. This legislation would prevent millions of Americans from falling through the safety net. It would extend vital programs that were extended on a short-term basis earlier this year. It would put cash into the hands of Americans who would spend it quickly, boosting economic demand. It would extend critical programs and tax incentives that create jobs.

This is the legislation that will help half a million workers who lose their jobs nationwide to get help paying for their health insurance under COBRA. This is the legislation that will help nearly 40 million Medicare beneficiaries and nearly 9 million TRICARE beneficiaries keep access to their doctors. This is the legislation that will help 400,000 Americans get unemployment insurance benefits.

This is urgent legislation. We must enact it soon.

We had a productive day yesterday. We disposed of six amendments and rejected a point of order against the bill. As I count it, there are about 10 amendments pending. Those amendments are the underlying substitute amendment, Senator SESSIONS' amendment to impose discretionary spending caps, Senator LANDRIEU's amendment on the GO Zones, Senator MURRAY's amendment on summer employment for youth, Senator COBURN's amendment on transparency, Senator WEBB's amendment on executive bonuses, Senator STABENOW's amendment on AMT credits, a Feingold-Coburn amendment to rescind unused transportation earmarks, an amendment by Senator BROWN of Massachusetts on a payroll tax holiday, and Senator BURR's amendment on a sales tax holiday.

Before Senators offer additional amendments, we need to start processing the pending amendments. I have been advised there will be objection to setting aside the pending amendments for Senators to offer additional amendments until we have addressed some of the pending amendments.

Some of the amendments appear to me to be the sort of thing we could adopt by voice vote, and we are exploring that possibility in connection with at least two of them. On amendments that require a rollcall vote, I am hopeful we can schedule a number of votes starting at 2 p.m. this afternoon to dispose of several amendments. Then we will continue to process the pending amendments throughout the day.

I thank all Senators for their cooperation.

SUPPORTING FULL IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT IN SUDAN

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 274, S. Res. 404.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 404) supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 404) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 404

Whereas violent civil conflict between North and South in Sudan raged for 21 years,

resulting in the deaths of an estimated 2,000,000 people and displacement of another 4,000,000 people;

Whereas the signing of the Comprehensive Peace Agreement (CPA) by the National Congress Party (NCP) and Sudan People's Liberation Movement (SPLM) on January 9, 2005, brought a formal end to that civil war;

Whereas the United States Government, particularly through the efforts of the President's Special Envoy for Sudan Jack Danforth, worked closely with the parties, the mediator, General Lazaro Sumbeiywo, the members of the Intergovernmental Authority on Development (IGAD), and the United Kingdom and Norway to bring about the CPA;

Whereas the CPA established a 6-year interim period during which the Government of Sudan would undertake significant democratic reforms and hold national elections, and at the end of which the South would hold a referendum on self-determination, with the option to forge an independent state;

Whereas, while the parties have made progress on several parts of the CPA, limited national government reforms have been made and several key issues remain outstanding, notably border demarcation, resolution of the census dispute, and certain preparations for the 2011 referenda for southern Sudan and Abyei;

Whereas the NCP's delay and refusal to follow through on some of its commitments under the CPA has fueled mistrust and suspicion, increasing tensions between northern and southern Sudan;

Whereas research by the Small Arms Survey, published as recently as December 2009, shows that both sides are building up their security forces and covertly stockpiling weapons in anticipation of a possible return to civil war;

Whereas the Government of Southern Sudan continues to face a range of challenges and continues to struggle with problems of financial management, insufficient capacity, and a limited ability to provide security in parts of its territory, especially in the face of increasing inter-ethnic and communal violence;

Whereas humanitarian organizations and the United Nations report that more than 2,500 people were killed and an additional 350,000 displaced by inter-ethnic and communal violence within southern Sudan throughout 2009;

Whereas the Lord's Resistance Army, a brutal rebel group formed in northern Uganda, has reportedly resumed and increased attacks against civilians in southern Sudan, creating another security challenge in the region;

Whereas the Government of Southern Sudan and the United Nations Mission (UNMIS) have not taken adequate steps to address the rising insecurity and to protect civilians in southern Sudan;

Whereas, despite 5 years of peace, most of southern Sudan remains severely underdeveloped with communities lacking access to essential services such as water, health care, livelihood opportunities, and infrastructure;

Whereas Sudan is scheduled to hold national elections in April 2010, and the people of southern Sudan and Abyei are to hold their referendum on self-determination in January 2011 under the terms of the CPA;

Whereas the holding of these elections, Sudan's first multiparty elections in 24 years, could be a historic milestone for the country and a step toward genuine democratic transformation if the elections are fair and free and all communities are able to participate;

Whereas the existence of laws that grant powers to government security services in Sudan to arrest and detain citizens without charge and recent actions taken by the security forces to restrict freedom of speech and assembly by opposition parties have raised concerns that conditions may not exist for fair and free elections in Sudan;

Whereas the conflict in Darfur is still unresolved, the security situation remains volatile, and armed parties continue to commit humanitarian and human rights violations in the region, raising concerns that conditions may not exist for Darfurians to freely and safely participate in the elections; and

Whereas the security situation in the whole of Sudan has profound implications for the stability of neighboring countries, including Chad, the Central African Republic, the Democratic Republic of Congo, Eritrea, Ethiopia, Kenya, and Uganda: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the critical importance of preventing a renewed North-South civil war in Sudan, which would have catastrophic humanitarian consequences for all of Sudan and could destabilize the wider region;

(2) supports the efforts of President Barack Obama to reinvigorate and strengthen international engagement on implementation of the Comprehensive Peace Agreement (CPA);

(3) encourages all international envoys and representatives, including those of the permanent members of the United Nations Security Council, IGAD, the African Union, and the United Nations, to work closely together and coordinate their efforts to bolster the peace accord;

(4) calls on the parties in Sudan—

(A) to comply fully with their commitments under the CPA;

(B) to refrain from actions that could escalate tensions in the run-up to the 2011 referendum;

(C) to work expeditiously to resolve outstanding issues of the agreement; and

(D) to begin negotiations to resolve post-referenda issues, including resource allocation and citizenship rights in the case of separation;

(5) calls on the Government of National Unity to amend or repeal laws and avoid any further actions that would unduly restrict the freedom of speech and assembly by opposition parties or the full participation of communities, including those in Darfur, in the upcoming national elections;

(6) encourages the international community and the United Nations to engage with local populations to provide assistance for elections in Sudan and popular consultations while also closely monitoring and speaking out against any actions by the Government of Sudan or its security forces to restrict or deny participation in a credible elections process;

(7) calls on the Government of Southern Sudan to work with the assistance of the international community to design and begin implementing a long-term plan for security sector reform that includes the transformation of the army and police into modern security organs and the training of all security forces in human rights and civilian protection;

(8) urges the United Nations Security Council to direct and assist the UNMIS peacekeepers to better monitor and work to prevent violence in southern Sudan and to prioritize civilian protection in decisions about the use of available capacity and resources;

(9) supports increased efforts by the United States Government, other donors, and the United Nations to assist the Government of Southern Sudan to improve its governing capacity, strengthen its financial accountability, build critical infrastructure, and expand service delivery;

(10) urges the President to work with the permanent members of the United Nations Security Council, other governments, and regional organizations at the highest levels to develop a coordinated multilateral strategy to promote peaceful change and full implementation of the CPA; and

(11) encourages the President and other international leaders to strategize and develop contingency plans now for all eventualities, including in the event that the CPA process breaks down or large-scale violence breaks out in Sudan before or after the 2011 referendum, as well as for longer term development in the region following the referendum.

RECOVERY, REHABILITATION, AND REBUILDING OF HAITI

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 275, S. Res. 414.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 414) expressing the sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 414) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 414

Whereas on January 12, 2010, Haiti suffered an earthquake measuring 7.0 on the Richter scale, the greatest natural disaster in Haiti's history, which—

(1) devastated Port-au-Prince and the surrounding areas;

(2) killed more than 100,000 people;

(3) injured hundreds of thousands more people; and

(4) left many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere—

(1) has an estimated 54 percent of its population living on less than $1 per day;

(2) has approximately 120,000 people living with HIV;

(3) had 29,333 new cases of Tuberculosis in 2007; and

(4) has nearly 400,000 children living in orphanages;

Whereas despite these challenges, cautious signs of developmental progress and stability were beginning to emerge in Haiti prior to the earthquake;

Whereas although initial recovery efforts must continue to assist the people of Haiti struggling to secure basic necessities, including food, water, health care, shelter, and electricity, Haiti cannot afford to only focus on its immediate needs;

Whereas various United States and international assessments indicate that the next priority for the Government of Haiti should be to repair the country's basic infrastructure, including its schools, roads, hospitals, telecommunications infrastructure, and government buildings;

Whereas Haiti's leaders have advocated that—

(1) reconstruction should not follow the inefficient practices of the past; and

(2) Haitians should be given the opportunity to accelerate and implement long planned reforms and new ways of doing business in every sector;

Whereas Haiti enjoys several advantages that can facilitate its rebuilding, including—

(1) people committed to education and hard work;

(2) duty-free, quota-free access to United States markets;

(3) a large pool of low-cost labor;

(4) a large, hardworking North American diaspora sending money back to Haiti; and

(5) regional neighbors who are peaceful, prosperous, and supportive of Haiti's success;

Whereas international experience from rebuilding other countries recovering from natural disaster confirms that—

(1) stability and security are essential preconditions to longer-term development; and

(2) economic development and political reform should relieve poverty and foster governance and social justice;

Whereas employment is essential to breaking the vicious cycle of poverty, corruption, insecurity, and loss of faith in democracy;

Whereas the Haitian people, like all people, deserve the income and dignity that gainful employment provides;

Whereas, in addition to providing emergency assistance and relief, the Government of Haiti must grapple with the longer-term issue of how to provide permanent, sustainable shelter to an estimated 1,000,000 Haitians displaced by the earthquake;

Whereas, the impact of natural disaster on Haiti is—

(1) exacerbated by weak building codes and poor infrastructure; and

(2) more fundamentally the result of an impoverished state unable to provide most of its people with minimal public services, including security, clean water, shelter, electricity, health care, and education;

Whereas assistance to Haiti should be delivered in a manner that enhances, not diminishes, the ability of the state to provide services to its people;

Whereas the Haitian state should be rebuilt with communities in a central role in the national recovery process led by the Government of Haiti, so that foreign assistance upholds and empowers Haitian mayors, local councils, and municipalities in areas outside of Port-au-Prince; and

Whereas international donors and nongovernmental organizations, which have a responsibility to support the Government of Haiti in its rebuilding efforts, should not supplant the ability of local institutions and the government to manage resources and provide essential services: Now, therefore, be it

Resolved, That the Senate—

(1) urges the United States Government and the international community to provide resources, manpower, and technical assistance to support the Government of Haiti's leadership of international assistance efforts and to conduct a comprehensive post-disaster needs assessment that will focus on—

(A) social sector services, including access to, and delivery of, basic services, including—

(i) health care delivery, including reinstating disrupted care and addressing new needs;

(ii) all levels of education, including ensuring access to lessons as quickly as possible;

(iii) social support for communities;

(iv) improving the welfare of children; and

(v) recognition of the importance of gender equality and the role of women as economic guardians;

(B) population resettlement, including services and sustainable livelihoods to support new communities and settlements;

(C) stable and democratic governance, ensuring that the Government of Haiti will appropriately steward state resources through a process embracing transparency, civic participation, political moderation, and institutional accountability;

(D) economic sustainability, emphasizing employment generation, macroeconomic stability, and market economy sustainability;

(E) security, ensuring legitimate state efforts to prevent and respond to crime, especially violence, and instilling public order and confidence in Haitian security forces; and

(F) rule of law, developing a just legal framework that—

(i) is accountable;

(ii) provides access to justice; and

(iii) ensures public order;

(2) encourages the United States Government and the international community to support the leadership of the Government of Haiti and key nongovernmental and private sector Haitian stakeholders to create a comprehensive national strategy for recovery and development that will—

(A) be led by the Government of Haiti;

(B) address the findings from the needs assessment conducted under paragraph (1);

(C) coordinate new resources flowing into Haiti;

(D) channel such resources in concrete and specific ways towards key sectoral objectives identified by the Government of Haiti and its people;

(E) take feasible steps to recognize and rectify the social injustice of poverty, and decrease the vulnerability of the poor, through job creation, the provision of health care, the provision of safe shelter and settlements, food security, and education;

(F) place communities at the center of the rebuilding process, by employing local labor and consulting local leaders and communities for their experience and vision;

(G) encourage rebuilding and development of programs that are environmentally sustainable and respectful and restorative of Haiti's natural resources;

(H) work with the Government of Haiti and the international community to reduce the risk of future disasters, including floods and hurricanes, through the relief and recovery efforts focusing on the most vulnerable communities; and

(I) address the difficult issues related to land use, land tenure, the need for land for reconstruction, and land price escalations;

(3) applauds the international community's response to the preliminary appeal for assistance made at Montreal, Canada, on January 25, 2010;

(4) affirms that—

(A) the international donors conference for Haiti, which will be held in New York on March 22–23, 2010, is an opportunity for Haiti to accelerate and implement long-planned projects and priorities in key infrastructural, economic, and social sectors outlined in a comprehensive national strategy;

(B) large-scale international assistance provides significant leverage to promote change and reform in Haiti; and

(C) the international community should be prepared to fully commit to the outcomes of the New York donors conference, including full disbursement and subsequent implementation;

(5) encourages international financial institutions and international organizations, including the United Nations and the World Bank, to continue their engagement and leadership in support of critical economic and security priorities, including—

(A) economic and social assistance programs;

(B) strengthening Haitian national institutions;

(C) security sector reform;

(D) ensuring fair and legitimate elections; and

(E) supporting political and governance reform;

(6) encourages the International Monetary Fund, the World Bank, and the Inter-American Development Bank, which hold the majority of Haiti's existing external debt obligations, to—

(A) work together to relieve Haiti of its external debt obligations to the multilateral community and bilateral lenders; and

(B) seek considerable new resources for Haiti without adding to Haiti's existing debt obligations, primarily through provision of grants; and

(7) urges the United States Government to ensure unity of effort by assigning a single person to—

(A) coordinate all aspects of United States assistance to Haiti; and

(B) work with Congress to responsibly ensure sufficient appropriations to facilitate the long-term and sustainable recovery, rehabilitation, and development of Haiti.

RECOGNIZING THE IMPORTANT PROGRESS MADE IN THE ESTABLISHMENT OF DEMOCRATIC INSTITUTIONS IN UKRAINE

Mr. BAUCUS. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 422 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 422) recognizing the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential runoff election on February 7, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 422

Whereas adherence by Ukraine to democratic, transparent, and fair election standards has been necessary for full integration into the democratic community;

Whereas steps undertaken by Ukraine in recent years, including reform of election laws and regulations, the development of a pluralistic and independent press, and the establishment of public institutions that respect human rights and the rule of law, have enhanced Ukraine's progress toward democracy and prosperity;

Whereas the Organization for Security and Cooperation in Europe (OSCE) concluded that ''most OSCE and Council of Europe commitments were met'' with regard to the conduct of the run-off presidential election on February 7, 2010;

Whereas international monitoring groups concluded that prior elections in Ukraine on January 17, 2010, and in 2007, 2006, and 2004, were also generally in accordance with international election norms;

Whereas the United States has closely supported the people of Ukraine in their efforts to pursue a free and democratic future since the declaration of their independence in 1991;

Whereas the NATO Freedom Consolidation Act of 2007 (Public Law 110–17; 22 U.S.C. 1928 note), signed into law by President George W. Bush on April 9, 2007, recognized the progress made by Ukraine toward meeting the responsibilities and obligations for membership in the North Atlantic Treaty Organization (NATO) and designated Ukraine as eligible to receive assistance under the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note);

Whereas Ukraine has made steps toward integration within European institutions through a joint European Union–Ukraine Action Plan, as part of the European Neighbourhood Policy; and

Whereas the United States–Ukraine Strategic Partnership Commission was inaugurated by Secretary of State Hillary Clinton and Ukrainian Foreign Minister Petro Poroshenko on December 9, 2009: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the important progress made by the people of Ukraine in establishing democratic institutions and carrying out peaceful elections on January 17 and February 7, 2010;

(2) supports ongoing progress by Ukraine in addressing remaining challenges in the electoral processes as identified by the Organization for Security and Cooperation in Europe and other international election monitoring entities;

(3) encourages all parties to respect the independence and territorial sovereignty of Ukraine, as well as the full integration of Ukraine into the international democratic community;

(4) pledges further support for the development of a fully free and open democratic system, as well as a transparent free market economy, in Ukraine; and

(5) reaffirms its commitment to engage the Government of Ukraine in further development of bilateral cooperation through the United States–Ukraine Strategic Partnership Commission.

SCHOOL SOCIAL WORK WEEK

Mr. BAUCUS. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 426, and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 426) designating the week of February 28 through March 7, 2010, as ''School Social Work Week''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 426) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 426

Whereas the importance of school social work through the inclusion of school social work programs has been recognized in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school educational team, playing a central role in creating a positive school climate and vital partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address emotional, physical, and environmental needs of students so that students may achieve behavioral and academic success;

Whereas, to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107–110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of ''School Social Work Week'' highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 28 through March 7, 2010, as ''School Social Work Week'';

(2) honors and recognizes the contributions of school social workers to the success of students in schools across the Nation; and

(3) encourages the people of the United States to observe ''School Social Work Week'' with the appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

CHILDREN'S DENTAL HEALTH MONTH

MULTIPLE SCLEROSIS AWARENESS WEEK

SUPPORTING THOSE AFFECTED BY THE NATURAL DISASTERS ON MADEIRA ISLAND

IRAQI PARLIAMENTARY ELECTIONS

READ ACROSS AMERICA DAY

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions: S. Res. 434, S. Res. 435, S. Res. 436, S. Res. 437, and S. Res. 438.

The ACTING PRESIDENT pro tempore. There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. BAUCUS. Madam President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 434

Whereas several national dental organizations have observed February 2010 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public

service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved, That the Senate expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

S. RES. 435

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 people in the United States live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively defines a diagnosis for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate that certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with, or preventing the transmission of, nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and celebrates Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate a commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2010, Multiple Sclerosis Awareness Week is recognized during the week of March 8th through March 14th: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages States, territories, and possessions of the United States and local communities to support the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States and local communities that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the people of the United States to combating multiple sclerosis by promoting awareness about the causes and risks of multiple sclerosis, and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those living with multiple sclerosis and continue to work to find cures and improve treatments.

S. RES. 436

Whereas on February 20, 2010, a powerful storm hit Madeira Island, the largest of the islands that comprise the Madeira Autonomous Region of Portugal, resulting in a series of devastating flash floods and mudslides;

Whereas the storm caused boulders, trees, and earth to be hurled against buildings, carried away vehicles, and washed away roads and bridges on the south side of Madeira Island, an area that includes Funchal, the capital of the Madeira Autonomous Region;

Whereas 42 people have lost their lives, 151 people have received treatment for injuries at the main hospital in Funchal, and hundreds of people have been displaced;

Whereas the storm destroyed a large portion of the water and communication infrastructure on Madeira Island;

Whereas José Sócrates, the Prime Minister of Portugal, has promised ''all necessary aid'' to Madeira, and Alberto João Gonçalves Jardim, the President of the Madeira Autonomous Region, has consulted with European Commission President José Manuel Barroso to seek further assistance;

Whereas a Portuguese Navy frigate has dispatched troops to Madeira Island, with Portuguese divers and a medical team also arriving to offer emergency assistance;

Whereas the Government of Portugal has announced 3 days of national mourning for those who lost their lives in this disaster;

Whereas the United States is providing assistance through the Office of Foreign Disaster Assistance of the United States Agency for International Development;

Whereas there are approximately 400 citizens of the United States on Madeira Island, with United States officials continually working to ensure their safety and well-being; and

Whereas a community of approximately 1,500,000 Portuguese-Americans, strongly represented in the States of Rhode Island and Massachusetts, maintain deep and enduring ties with Portugal and Madeira Island: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of life and expresses its deepest condolences to the families of those killed and injured by floods and mudslides resulting from the storm that hit Madeira Island on February 20, 2010;

(2) expresses solidarity between the people of the United States and Madeira, recognizing the historical ties between Portuguese-Americans, Portugal, and the Madeira Autonomous Region; and

(3) applauds the courageous rescue efforts of fire, medical, and military personnel and other volunteers in response to the flooding and mudslides.

S. RES. 437

Whereas on February 27th, 2009, President Obama declared that the United States' ''clear and achievable goal'' is ''an Iraq that is sovereign, stable, and self-reliant'' and that the United States will achieve that goal by working ''to promote an Iraqi government that is just, representative, and accountable'';

Whereas in December 2009, Iraq's elected officials ended months of deadlock, passed a new election law, and scheduled parliamentary elections for March 7, 2010;

Whereas nearly 100,000 American soldiers, sailors, airmen and Marines continue to serve in Iraq, marking the United States' largest current overseas deployment;

Whereas Iraq's future sovereignty, stability, and democracy is threatened by serious internal and external challenges, including—

(1) continuing attempts by Al Qaeda in Iraq to perpetrate mass casualty terrorist attacks intended to paralyze the Iraqi state and reignite sectarian violence;

(2) some surrounding countries' malign and destabilizing interference in Iraq's internal affairs and their incomplete diplomatic recognition of Iraq;

(3) unresolved disputes over internal boundaries, including the City of Kirkuk;

(4) incomplete reintegration of Sunni Arab communities in Iraq; and

(5) ongoing incidents of civil and human rights abuses in a diverse, multiconfessional society;

Whereas while the United States appreciates the profound conviction of the Iraqi people to ensure that the Ba'ath party never returns to power in Iraq, the process by which scores of candidates have been disqualified from participating in the March 7, 2010 elections—

(1) has not met international standards of electoral transparency and fairness;

(2) was interpreted by many Iraqis as politically motivated; and

(3) risks diminishing participation in elections;

Whereas the United States has a clear, strong, and enduring national interest in helping the people of Iraq to establish a stable, representative, and democratic state;

Whereas the United States committed, in the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq (referred to in this resolution as the ''Status of Forces Agreement'') signed in November 2008, to redeploy—

(1) all combat forces from Iraqi cities by June 30, 2009; and

(2) all United States forces from Iraq by December 31, 2011;

Whereas United States combat forces successfully redeployed from Iraq's cities by June 30, 2009, in accordance with the Status of Forces Agreement, and are likely to early out further reductions in the number of United States military forces in Iraq during the months after the March 7, 2010 elections;

Whereas the United States and Iraq agreed in the Strategic Framework Agreement, also signed in November 2008, to ''continue to foster close cooperation concerning defense and security arrangements'';

Whereas the March 7, 2010 elections and the subsequent government formation process will mark a period of exceptional importance for the future of Iraq;

Whereas Iraq conducted provincial elections in January 2009 that were free from widespread violence and the results of which

were recognized as legitimate by the international community and the Iraqi people;

Whereas several of Iraq's main electoral blocs have committed to a Code of Conduct meant to ensure fair, transparent, and inclusive elections:

Now, therefore be it

Resolved, That the Senate—

(1) reaffirms the United States' strong commitment to building a robust, long-term partnership with Iraq that strengthens Iraq's security, stability, economy, and democracy;

(2) recognizes the United States' clear and enduring interest in partnering with the people of Iraq in building a stable, representative, successful, democratic state;

(3) urges the Administration—

(A) to devote continued, high-level attention and support for the people and Government of Iraq toward these goals, in particular during the critical months after the March 7, 2010 elections;

(B) to work with the international community to provide all necessary support for Iraqi elections, including technical support for Iraq's Independent High Electoral Commission and assistance for domestic and international monitoring;

(4) calls upon all parties within Iraq—

(A) to ensure that the March 7, 2010 parliamentary elections are free, fair, inclusive, and without violence or intimidation; and

(B) to refrain from rhetoric or actions that might undercut the legitimacy of such elections or inflame communal tensions;

(5) urges the countries surrounding Iraq—

(A) to refrain from exercising malign and destabilizing interference in Iraq's internal affairs; and

(B) to allow the people of Iraq to determine their own future;

(6) calls for the timely formation of an inclusive, effective, and representative new Iraqi government after the March 7, 2010 parliamentary elections;

(7) reaffirms that, while United States military forces redeploy from Iraq in the months after the March 7, 2010 elections, the United States must remain engaged in partnering with the people of Iraq to help them in building a stable, representative, and successful democratic state;

(8) expresses gratitude to the men and women of the United States Armed Forces, the Foreign Service, and other Federal Government agencies, for their service, sacrifices, and heroism in Iraq; and

(9) commends the people of Iraq for—

(A) the courage they have shown;

(B) the sacrifices they have endured; and

(C) the hard-won gains they have made in fighting terrorism, finding peace, and building democracy.

S. RES. 438

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2010, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 13th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a Nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

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

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

TAX EXTENDERS ACT OF 2009—Continued

Mr. WICKER. Madam President, I ask unanimous consent that Senator BARRASSO and I and others be allowed to enter into a colloquy for the next 30 minutes.

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

Mr. WICKER. Thank you, Madam President.

I come from a background of having earlier been in the State senate and then, after that, the U.S. House of Representatives. Sometimes when I was a State legislator and it looked as though we were making a hash of legislation on the senate side, someone would say: Well, let's pass the bill anyway, and we will clean it up in conference. It was always tempting to send it to conference and hope that cooler heads would prevail and we would get a better work product. Sometimes that happened and worked out well, and sometimes it turned out that we didn't clean it up in conference.

I am reminded of that when I hear about what is being discussed and what now seems to be the clear plan for this Democratic majority and President Obama in moving forward with health care legislation. The House has passed a flawed bill with $½ trillion in cuts to Medicare, with huge mandates to the States, with tax increases—the largest increase, really, in entitlement big government, in my memory—and the Senate has passed its flawed version not only with those flaws I just mentioned in the House version but also special deals: a special deal for Nebraska, a special deal for Florida and Louisiana, and on and on and on. That is where we are now.

The plan now seems to be that this mistaken bill—the flawed bill the Senate passed on Christmas Eve—is now at the desk at the House of Representatives, and leadership over there is tempted to take that flawed product, pass it without any changes whatsoever, and send it to the President for his signature. The plan there is not the old legislative trick of we will clean it up in conference; the plan is we will clean it up in reconciliation.

As I mentioned, sometimes that works and sometimes it doesn't. The problem with cleaning it up in reconciliation is that if this Democratic scheme goes forward and we do that, we will not only have a bill in conference to be worked out where if a mistake is made we can vote against it in the end, we will have a statute.

The plan is for the President to sign this flawed Senate product with all the taxes, with all the mandates, with all the special deals and purchases, sign it into law, and then hope the Senate can correct all of those mistakes in reconciliation. If that scheme fails, we will be stuck with a very bad product, and it will be the law of the land and up to some future Congress to deal with. Certainly, it will be the key, top, paramount election issue for the next several months.

If the plan works, if the Democratic scheme works, we will still have this. Maybe the ''Louisiana purchase'' will be taken out, the ''Cornhusker kickback,'' the ''Gator Aid''—all of the special deals, and then we will have the President's additional taxes and additional Federal regulation that he has recently proposed. So when it is all said and done, even at their best, most optimistic predictions, we will have massive funding mandates to the States. We will have a $½ trillion cut to Medicare. We will have huge tax increases and a large new entitlement program.

The people don't want this. I heard a Democratic Member of the House of Representatives very articulately stating this on television just this morning. He said people must be out of their minds. This is wrong, according to this Member of the House of Representatives, a Democrat who says he has voted against it before, and he is not going to be one of those who is willing to change his mind.

So I don't want to spend the rest of this year with this flawed legislation as the only campaign issue. It may be our only choice. But I can assure everyone within the sound of my voice of this: If this scheme goes through, if the flawed Senate version is signed into law and we have this reconciliation debate, this will be the No. 1 issue, if not the only issue, and there will be devastation for my friends on the other side of the aisle if they persist in thumbing their noses at the American people and defying the clear will of the American people on this issue.

I am glad to be joined by my friend, Senator BARRASSO, a legislator in his own right with considerable experience, and a physician. So I am happy to hear the comments of my colleague from Wyoming.

Mr. BARRASSO. I thank the Senator very much.

I agree exactly with what the Senator has said because my experience has been very similar. I served 5 years in the State senate in Wyoming, and before that I was a physician practicing in Wyoming, taking care of so many families.

Just this Monday I was at the Wyoming Medical Center, the largest hospital in our State. It is a hospital where I have previously been chief of staff. What I hear from the people of Wyoming is, I am sure, what the Senator has heard from the people at home in Mississippi.

They say: Why don't you just stop and start over? It is not just the people from our States. In a recent CNN poll, 50 percent of all Americans say it is time to stop and start over. We do need health care reform, but we don't need this 2,700-page bill with all of the unintended consequences that may come with it, all of the new government boards and commissions, a program that cuts $500 billion from our seniors who depend upon Medicare for their health care, and raises taxes by another $500 billion.

The American people are saying stop and start over. They know we have good ideas. They listened to that summit last week that I was able to attend at the White House, and they have heard Republicans say to let people buy insurance across State lines. That will help 12 million more people get insurance today. They say let's deal with lawsuit abuse. That will help cut down the cost of these unnecessary tests which are done as defensive medicine.

The American people understand the value of allowing small businesses to join to help more effectively get down the cost of care. That is why half of all Americans say stop and start over. One in four say just stop. Only one in four Americans say, yes; pass the bill. So three and four do not want what the President seems to be wanting to shove through Congress and shove down the throats of the American people. The American people are incensed. That is what I heard in Wyoming this weekend, and I am sure that is what my colleague from Mississippi heard as well.

So the President made his speech yesterday, which seemed to be a new sales pitch, but it is for the same bill. It is why so many folks have said stop, start over, focus on ideas that we know will work. Give individuals as patients, as citizens, rights to make more choices that affect their own lives. Give them those opportunities. We don't need a government bureaucrat standing between the doctor and a patient. We don't need a government bureaucrat. We don't need an insurance bureaucrat.

I see my colleague, Senator COBURN, is on the Senate floor, another physician who has, as have I, fought against government bureaucrats and insurance company bureaucrats all for our patients because we need a patient-centered health care program, and we need health care reform, but we do not need this massive bill.

I also see my colleague from Florida has joined us. He knows we have positive ideas that will make a difference because we need to be focused also on the cost of care. People like the quality of care they are getting. They like the fact it is available. But the cost is what is affecting us. That is why Warren Buffett just on Monday has said we need to focus on cost. They need to take 2,000 pages of nonsense out of the bill and focus on getting the costs under control. And so many of the ideas that the Republicans have brought forth have focused specifically on that.

So I would ask my colleague from Florida, are there things he has heard as he has visited with his constituents and the people in his State that he might wish to add to this discussion right now?

Mr. LEMIEUX. I appreciate my colleague, Dr. BARRASSO, for referring that question to me.

Certainly, the people of Florida are concerned about this bill. They want their costs to go down. They thought the whole reason we were doing this health care bill was to address the skyrocketing costs of health care, which have gone up 130 percent on average over the past 10 years. But what we find out with this bill is not only does it not lower the cost of health insurance for Americans, some Americans are going to have to pay more.

So why would we undertake this huge enterprise of creating a $1 trillion new program, multitrillion dollars over time, a program that cuts $½ trillion out of health care for seniors, and raises taxes by $½ trillion, why would we undertake all of that if we weren't going to reduce the cost of health insurance for most Americans? That is what they think we are doing. They don't think we are creating some brand new entitlement program. They don't want us to do that. They want us to lower the costs.

So Republicans have put forward proposals, and some of them my colleague just mentioned: allowing insurance companies to sell across State lines, trying to get rid of junk lawsuits.

My wife Meike is pregnant with our fourth child. She goes and sees her doctor in Tallahassee, FL—not a big town. He is paying $120,000 a year in medical malpractice insurance. That affects not only the cost of care, but it also creates defensive medicine which runs up costs. We have some real, concrete, step-by-step solutions on our side of the aisle that will make things better and reduce the cost of health care.

One thing I have had the privilege of working on with Dr. COBURN is going after waste, fraud, and abuse. In the Medicare system, we know there is $60 billion a year—$60 billion—in waste, fraud, and abuse. My State of Florida, unfortunately, is the capital of this health care fraud. I will give my colleagues one statistic that I think says it all.

In Miami Dade County, we have 7 percent of the country's AIDS population. Yet reimbursements for health care for AIDS patients in Miami Dade County constitutes 83 percent of what is spent in the entire country. Now, why is that? It is because folks are committing fraud on the system. Health care providers in warehouses and strip shopping centers, or nonexistent offices at all—they are not providers; they are just scam artists running the codes, running these medical codes and submitting them to Medicare and Medicaid.

Why shouldn't the first thing we do be to fix the system we have, stop this bleeding of billions of dollars and put it back into Medicare and Medicaid which are programs that are going broke? The President is right. There is a health care emergency in this country, and the No. 1 emergency is Medicare and Medicaid, not creating a new program.

We should make sure that Medicare for seniors is viable. We should stop the waste, fraud, and abuse, and get the money back in Medicare. Then we should do the same thing for Medicaid. Once we have those programs more solvent and we meet the commitments we have already made, then we could take the step-by-step approach on trying to provide lower cost health insurance for people who have it and more access for people who do not.

We have offered solutions, but as we understand it, what is going to happen is they are going to take the Senate bill that was passed on a party-line vote in December on Christmas Eve, send it over to the House, and then try to convince the House Democrats they are going to have a makeup bill that is going to fix their problems and try to send that over here and make us vote on that on a simple majority, which is not what was intended by the rules.

I am new to the Senate, so I want to defer to my colleagues and perhaps the Senator from Oklahoma can speak to this point and whether that is appropriate to do, and also speak to the good step-by-step measures we have to combat the problems with health care.

Mr. COBURN. Madam President, I thank my colleague from Florida. I, along with Senator BARRASSO, attended the summit with the President. If I recall his words, we were going to take 4 to 6 weeks to see if we couldn't work out some compromises to get a bill the American people would accept but we also would accept.

Today marks a week since we had that summit. We had an announcement yesterday that it is time to quit talking, it is time to quit negotiating, and they are going to ram a bill through.

I think there is a big contrast. I appreciate what my colleagues have said. The problem in health care in America is not quality, it is cost. Whatever we do is going to expand the amount of dollars we spend on health care if we add people to it. But if we attack the cost, what we can do is add more people with no increase in cost.

The thing that denies somebody access to health care is not not having an

insurance policy, it is having a cost of the system that is unaffordable, whether you have insurance or not.

Malcolm Sparrow from Harvard said he believes 20 percent of all the billings in Medicare are fraudulent. That is over $100 billion a year. That is $100 billion just in Medicare. We have good indications there is $15 billion in fraud in New York City alone in Medicaid, in one city. Why would we not go after the fraud, which is the second largest component of wasted dollars in health care? Some of it the President has accepted. But the No. 1 cost that does not benefit anybody in this country is defensive medicine, and defensive medicine costs up to $250 billion a year.

Let me tell my colleagues why it is so bad and it is terrible for us to ignore that issue. It is not just that we spend money doing tests on patients. When we do tests on patients, we put them at risk. Let me give an example.

If you go to any emergency room in this country this summer on a weekend, you will see a kid in there who has gotten hit with a baseball. What the standard is now because of the legal system in this country is that child is going to be exposed to radiation from a CT scan, not because they need it but because the ER doctor needs it.

The standard of care should be, if you have reliable adults around the child and the child has no neurologic damage and neurologic signs, watching to see, an expectation in case some signs show up and then you return. But the legal system in this country has entrapped us where we do hundreds of thousands of CT scans on children that none of them need because they get hit with a baseball. The ones who have true neurologic changes do need it. The vast majority do not. There are billions of dollars in one summertime event that gets chewed up that is not there to take care of somebody at a level which they can afford because we have added that on to the cost, not because a patient needs it, because the system demands it because doctors have to protect themselves against untoward extortion lawsuits. To ignore that as a part of this bill says you are not going to go where the money is to cut the costs.

I will summarize very shortly. It is said that Republicans do not have any plans. We have not said that, the President has. Then when he acknowledges a plan, he acknowledges only one that covers 3 million. We have a plan. I have a plan. Senator BURR has a plan. Senator GREGG has a plan. Senator DEMINT has a plan. Senator ENZI has a plan. They all cover 20 million to 25 million more Americans. They do it by not raising taxes, not stealing money from Medicare, which has a $37 trillion unfunded liability over the near term. We do all that without increasing the cost. We get a true expansion of coverage without an increase in cost.

What we think would be the right thing to do is to center health care on patients, not the government. This plan has 898 new government programs. It has 1,695 times where the Secretary of HHS will write new regulations for health care. What do you think the consequence of complying with those regulations is going to be in terms of cost? We are adding more cost into the system that does not go to help anybody get well but become compliance costs.

We believe in patient centered, not government centered. We believe in expanding options available to patients—patients—not expanding government. We believe in increasing access, not increasing taxes on people. We believe in reducing costs, not quality.

The bill we are going to have before us, no matter what the shenanigans are to pass it, does not attack the underlying problem, and that is cost. Until we look at cost, we will never get out of the problems with Medicare, and we will never truly improve access for Americans.

I yield to my colleague.

Mr. WICKER. Madam President, I think Senator LEMIEUX and I agree on this point. We owe a debt of gratitude to our colleagues, our two physicians, for making it clear on national television over the course of 7½ hours last week that Republicans have positive ideas, ideas that will work and, frankly, ideas the American people believe in.

I am astonished that after we had such a clear demonstration of ideas not only that are popular, but ideas that need to be given a chance to work, the whole thrust of that 7½-hour discussion has been cast aside, and we are back at this proposal of passing the flawed bill with all of the mistakes that people on the other side of the aisle agree we have made and signing it into law before we do anything else.

I have some comments I want to make about what Senator COBURN called ''shenanigans,'' the reconciliation process.

Let me say this: ''Never intended for this purpose.'' ''An outrage.'' ''A nonstarter.'' ''I will not accept it.'' ''Ill advised.'' ''A real mistake.'' ''Not appropriate.'' ''Undesirable.'' Those are all comments of Democratic Members of the Senate about the concept of cramming this bill through and this procedure I have described and coming back with reconciliation. It is not simply a Republican objection. It is an objection where we have our Democratic colleagues on record.

I hope they will recall their words. I hope there is not some pressure that is going to be issued against my colleagues in the House and in the Senate to do something they do not believe in simply because someone in the White House wants it and is exerting pressure.

The comments I have read were all made by Democrats. I happen to agree with them. We have never under reconciliation attempted something of this magnitude and this substance. It would forever change the legislative process in the House and Senate of the United States if we begin with health care.

I will be happy to yield.

Mr. BARRASSO. If I may, one of the phrases the Senator used about using reconciliation was ''hijacking,'' hijacking the system, hijacking the way this works. That specific word was used by then-Senator Barack Obama when he was a Senator and very much opposed to this approach.

One of the other things he has said, when we talk about the $500 billion being cut from our seniors on Medicare, he talks about a program called Medicare Advantage. That is only a part of the area that is involved. For people on Medicare Advantage—and there are about 10 million of them—they know they are on it, and they like the program. There are some advantages. One is it actually works to help coordinate care. It works with preventive care. Those are things that are very important. But there are also cuts in Medicare for nursing homes, for payments to doctors, for home health care, which is a lifeline for people, for hospice care, for care at the end of someone's life. That is all going to get cut under these $500 billion of Medicare cuts.

Mr. COBURN. Will the Senator yield?

Mr. BARRASSO. Absolutely.

Mr. COBURN. The one problem with the $500 billion worth of cuts, if you read what the CBO said about that, they said it is highly unlikely Congress will ever effectuate those cuts. If that is true, then that means there is $500 billion in costs that are not accounted for. So, one, either you are going to undermine the trust fund and actually lessen the available funds for seniors today or you are not, and you are using a ruse and saying we are going to charge this to our children and grandchildren.

Having been in this body for 5 years, this body will not make those cuts. It will not do it.

I want to make one other point. It is this: We recognize there are difficulties in health care. We recognize that the No. 1 difficulty that is keeping somebody from getting care is the cost of care. This bill does nothing for that. I would go back and worry that when the President said we will look at this for 4 to 6 weeks and now we are less than a week later and he is ramming this through, what is it the American people want us to do? Do they want us to create another entitlement system when every entitlement system we have today is bankrupt and in creating that steal from the bankrupt entitlement systems we have today or do they want a commonsense approach that will go after the cost, that will lessen the cost of care for everybody in America because we will never solve the problem with Medicare and its unfunded liabilities and address the costs.

I see the Senator from Arizona is here, and I am glad he has shown up.

Mr. MCCAIN. Madam President, now that my two favorite doctors are on

the floor, I wish to refer them to and ask a question of both of them about a statement that the President just gave. He said:

I believe it's time to give the American people more control over their own health insurance. I don't believe we can afford to leave life-and-death decisions about health care to the discretion of insurance company executives alone. I believe that doctors and nurses like the ones in this room should be free to decide what's best for their patients.

By the way, I hope from now on our doctors will wear white coats on the floor. It would be impressive to me. But that is neither here nor there.

Isn't it true that on page 982 there is created a new board of Federal bureaucrats—the Independent Payment Advisory Board, it is called—required to make binding recommendations to reduce the costs of the Medicare Program? How does that work if the President is saying give the American people more control and there is an independent payment advisory board that is making binding recommendations, I ask my two doctor friends.

Mr. COBURN. There are three very worrisome provisions in this bill. One is the Medicare Advisory Board that the Senator from Arizona just talked about that will decide what gets paid for and what does not, and Congress will either have to agree to it or agree to some other cuts.

The second is the Cost Comparative Effectiveness Panel which says: We do not care what is best for you, this is the cheapest; therefore, this is what you are going to get, which ignores the doctor-patient relationship in terms of what is best for you as an individual patient.

Finally, the Task Force on Preventive Services, which we saw during the debate in December, had recommended women under 50 not get mammograms because it was not ''cost-effective.'' When you look behind that data, it is 1 to 1,480 versus 1 to 1,460, versus 60 years and above, versus 40 to 50.

What happens is, you now have three government agencies that are going to step between the doctor and the patient when it comes to Medicare and Medicaid in this country, and actually it will fall over and they will mandate it on your own private coverage. That is very inconsistent in terms of saying you want doctors to be in control of health care but you have a bill that has three organizations in it that are designed to allow bureaucrats to make the decision on what your care is going to be.

Mr. MCCAIN. Madam President, I ask Dr. BARRASSO, if these provisions were operative at this time, how would that have affected his practice?

Mr. BARRASSO. Well, it would have affected me in several ways. It would have affected my life in that my wife Bobbi is a breast cancer survivor. She had a screening mammogram when she was in her forties—something this Task Force on Preventive Services says was unnecessary. If it hadn't been for that screening mammogram, her cancer would not have been detected. And by having the screening mammogram, which the American Cancer Society and others recommend for women in this country, and following the guidelines of the cancer society as opposed to this new government-mandated guideline, her cancer was detected. She has had three operations, several bouts of chemotherapy, and is alive today, a breast cancer survivor, 6 years later, because she did what scientists and what those who know what is best for patients recommended as opposed to what a government panel might have recommended trying to focus on their cost-effectiveness.

Mr. MCCAIN. So a patient comes to you with a certain orthopedic requirement that requires a certain level of treatment, and what does that do to you as a physician, as well as the patient?

Mr. BARRASSO. It puts the government between you and your patient, which is what you never want to have happen. As Dr. COBURN said, that is the wrong approach. It is not the way medicine has ever been practiced in America. It is not the way patients want it; it is not the way doctors want it. We don't want bureaucrats, whether government or insurance company bureaucrats, between doctors and patients.

As we saw at the health care summit on Thursday of last week, the President kept talking about covering people, health coverage, but he wants to put 15 million more people on Medicaid—a program where half the doctors don't see them because the government pays so little; a program where the Mayo Clinic, which the President has held up as a model for health care in America, says: We can't continue to see Medicaid patients from a number of States because we lose too much money. And now they have said the same with regard to Medicare. So when they are talking about $500 billion of cuts to Medicare, the Mayo Clinic, on January 1, said they can't handle additional Medicare patients because last year they lost, they said, $800 million by taking care of Medicare patients because the government pays so little.

Mr. MCCAIN. On the issue of coming between the doctor and the patient, this legislation, the 2,733 pages, has 159 new boards, bureaucracies, and programs created—159.

When the President says you will be able to choose your health care, how in the world does that in any way comport with the fact that it requires every American to buy health insurance whether they want to or not, which, to me, raises a fundamental question, a constitutional question. Where in the Constitution does it say that we require every American to have a health insurance policy?

Finally, I would say there were a lot of impressive statements made during the Blair House meeting. I thought, frankly, Dr. BARRASSO gave one of the most impressive ones I have heard. The perspective from practicing physicians is something that has all too often been absent from this debate.

I know my colleague paid attention when Congressman PAUL RYAN gave his statement as far as the budgetary implications and the costs to Americans. It has been reprinted in the Wall Street Journal this morning. In 5 or 6 minutes, I think he encapsulated what this legislation does in laying out, in his view, a true 10-year cost of $2.3 trillion. He points out the gimmickry, and one of them, of course—the elephant in the room—is that you have 10 years of tax increases for $½ trillion and 10 years of cuts and $½ trillion to pay for 6 years of spending. Now, where in the world would you have a program that you pay for 10 years in taxes and cuts in benefits and have 6 years of benefits? So the true cost, the true cost over 10 years without the budget gimmickry is $2.3 trillion, and things such as $72 billion in claims and money from the CLASS Act—the list goes on and on.

So what I would ask Dr. BARRASSO—we all trust the Congressional Budget Office. There is no doubt we all trust these people and their estimates, but their estimates are only as good as the proposals that are given to them. And I might add—again, I would request Dr. BARRASSO's comments on this—that the President's proposal that was online was really an 11-page statement, and the Congressional Budget Office said they could not give a cost estimate because they didn't have sufficient information. So it is very clear, when you delay revenues until the year 2016, that obviously has budgetary impacts.

Finally, I would ask Dr. BARRASSO to talk about this so-called doc fix which has been counted in the budget as reducing cost, and everybody knows we are not going to cut physician payments for treatment of Medicare patients. I think that would be an important one for Dr. BARRASSO to discuss because I think it really encapsulates the kind of budget gimmickry that has gone on in the formation of this legislation.

Mr. BARRASSO. Madam President, I ask unanimous consent to continue for an additional 5 minutes.

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

Mr. BARRASSO. Madam President, if I could, several things. There is a wonderful PAUL RYAN op-ed in today's Wall Street Journal, and I would recommend it to anyone to look at that because he specifically points out that the President's own chief Medicare actuary says the Senate and House bills are bending the cost curve up, making the costs go up, which is what you hear if you go to a town meeting in Arizona or in Wyoming. When you ask people: If this bill passes, will the cost of your own care go up, the hands go up. When you say: Well, how about the quality; will the quality of your care go down? Again, the hands go up. So that is a

continual concern of people all across America, which is why three-quarters of Americans have told CNN it is time to either just completely stop or stop and start over and only one-quarter of Americans support this proposal, because they realize this is going to do that.

The Senator from Arizona mentioned, and it was interesting, the 11 pages from the President. The gimmicks are still there. They may have taken out one of the gimmicks, but the spending gimmicks are there, plus the Louisiana purchase, the special carveout for 800,000 people in Florida who are on Medicare Advantage. They are protected, but there are another 10 million Americans who will lose their Medicare Advantage.

Then the question came up of what we refer to as the ''doc fix.'' The way the numbers are moved around——

Mr. MCCAIN. For the benefit of our colleagues, could the Senator explain exactly what the doc fix means and how we got to it?

Mr. BARRASSO. Right now—and we just passed a 1-month extension the other night—Medicare is supposed to cut the fees for all doctors across the country by 21 percent. Seniors know Medicare underpays right now. As one of my colleagues in the State senate in Wyoming used to say, government is the biggest deadbeat payer because they do not even pay enough to cover the cost of the care that is delivered in our hospitals. With ambulances, they do not cover enough to pay for the gas to fill up the ambulances to go the long distances we have in Arizona or in Wyoming.

But right now, to deal with some promises that were made years ago, the fees for physicians should be cut 21 percent, according to Medicare. A number of years ago, they were supposed to cut it by 1 or 2 percent, and they said: Well, we will not cut it, but next year we will cut it by 4 percent and then next year 8 percent and then 10 percent. Well, now they have continued to kick the can down the road enough so that this year they are supposed to cut the fees for physicians by 21 percent.

Mr. MCCAIN. Which could not happen.

Mr. BARRASSO. It could not. According to the President's budget numbers and the way this bill is written and the financial gimmickry, they want to cut physician fees for Medicare by 21 percent and keep them frozen for the next 10 years. So it is cut and freeze for 10 years, and they use that as one of the additional financial gimmicks.

Well, if you do that to the doctors in the country, who are already reluctant to see Medicare patients because the payment is so low—the Mayo Clinic said they are not going to see new Medicare patients because the reimbursement at today's rates is so low—if you drop them 21 percent additionally at a time when the Congressional Budget Office says one-fifth of the hospitals and one-fifth of the doctors' offices in this country will be unable to continue to be solvent 10 years from now if this bill goes into place—we know without a question that we cannot allow that to happen. Congress knows that, the doctors know that, the American people know it. Everybody knows it except, apparently, the people writing the health care bill, who say: Oh, this is actually going to save money in the long run. When people look at this in an honest way, they know this is going to drive up the cost of care and make the quality of care for our American citizens go down.

Mr. MCCAIN. Madam President, I ask unanimous consent to have printed in the RECORD the Wall Street Journal piece authored by Congressman PAUL RYAN.

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

[From the Wall Street Journal]

DISSECTING THE REAL COST OF OBAMACARE

(By Paul D. Ryan)

(The following are remarks made by Congressman Paul Ryan of Wisconsin, the ranking Republican on the House Budget Committee, about the cost of the House and Senate health-care bills at President Obama's Blair House summit on health care, Feb. 25:)

Look, we agree on the problem here. And the problem is health inflation is driving us off of a fiscal cliff.

Mr. President, you said health-care reform is budget reform. You're right. We agree with that. Medicare, right now, has a $38 trillion unfunded liability. That's $38 trillion in empty promises to my parents' generation, our generation, our kids' generation. Medicaid's growing at 21 percent each year. It's suffocating states' budgets. It's adding trillions in obligations that we have no means to pay for . . .

Now, you're right to frame the debate on cost and health inflation. And in September, when you spoke to us in the well of the House, you basically said—and I totally agree with this—I will not sign a plan that adds one dime to our deficits either now or in the future.

Since the Congressional Budget Office can't score your bill, because it doesn't have sufficient detail, but it tracks very similar to the Senate bill, I want to unpack the Senate score a little bit.

And if you take a look at the CBO analysis—analysis from your chief actuary—I think it's very revealing. This bill does not control costs. This bill does not reduce deficits. Instead, this bill adds a new health-care entitlement at a time when we have no idea how to pay for the entitlements we already have.

Now let me go through why I say that. The majority leader said the bill scores as reducing the deficit $131 billion over the next 10 years. First, a little bit about CBO. I work with them every single day—very good people, great professionals. They do their jobs well. But their job is to score what is placed in front of them. And what has been placed in front of them is a bill that is full of gimmicks and smoke-and-mirrors.

Now, what do I mean when I say that? Well, first off, the bill has 10 years of tax increases, about half a trillion dollars, with 10 years of Medicare cuts, about half a trillion dollars, to pay for 6 years of spending.

Now, what's the true 10-year cost of this bill in 10 years? That's $2.3 trillion.

[The Senate bill] does [a] couple of other things. It takes $52 billion in higher Social Security tax revenues and counts them as offsets. But that's really reserved for Social Security. So either we're double-counting them or we don't intend on paying those Social Security benefits.

It takes $72 billion and claims money from the CLASS Act. That's the long-term care insurance program. It takes the money from premiums that are designed for that benefit and instead counts them as offsets.

The Senate Budget Committee chairman [Kent Conrad] said that this is a Ponzi scheme that would make Bernie Madoff proud.

Now, when you take a look at the Medicare cuts, what this bill essentially does [is treat] Medicare like a piggy bank. It raids a half a trillion dollars out of Medicare, not to shore up Medicare solvency, but to spend on this new government program.

. . . [A]ccording to the chief actuary of Medicare . . . as much as 20 percent of Medicare's providers will either go out of business or will have to stop seeing Medicare beneficiaries. Millions of seniors . . . who have chosen Medicare Advantage will lose the coverage that they now enjoy.

You can't say that you're using this money to either extend Medicare solvency and also offset the cost of this new program. That's double-counting.

And so when you take a look at all of this; when you strip out the double-counting and what I would call these gimmicks, the full 10-year cost of the bill has a $460 billion deficit. The second 10-year cost of this bill has a $1.4 trillion deficit.

. . . [P]robably the most cynical gimmick in this bill is something that we all probably agree on. We don't think we should cut doctors [annual federal reimbursements] 21 percent next year. We've stopped those cuts from occurring every year for the last seven years.

We all call this, here in Washington, the doc fix. Well, the doc fix, according to your numbers, costs $371 billion. It was in the first iteration of all of these bills, but because it was a big price tag and it made the score look bad, made it look like a deficit . . . that provision was taken out, and it's been going on in stand-alone legislation. But ignoring these costs does not remove them from the backs of taxpayers. Hiding spending does not reduce spending. And so when you take a look at all of this, it just doesn't add up.

. . . I'll finish with the cost curve. Are we bending the cost curve down or are we bending the cost curve up?

Well, if you look at your own chief actuary at Medicare, we're bending it up. He's claiming that we're going up $222 billion, adding more to the unsustainable fiscal situation we have.

And so, when you take a look at this, it's really deeper than the deficits or the budget gimmicks or the actuarial analysis. There really is a difference between us.

. . . [W]e've been talking about how much we agree on different issues, but there really is a difference between us. And it's basically this. We don't think the government should be in control of all of this. We want people to be in control. And that, at the end of the day, is the big difference.

Now, we've offered lots of ideas all last year, all this year. Because we agree the status quo is unsustainable. It's got to get fixed.

It's bankrupting families. It's bankrupting our government. It's hurting families with pre-existing conditions. We all want to fix this.

But we don't think that this is the . . . the solution. And all of the analysis we get proves that point.

Now, I'll just simply say this. . . . [W]e are all representatives of the American people. We all do town hall meetings. We all

talk to our constituents. And I've got to tell you, the American people are engaged. And if you think they want a government takeover of health care, I would respectfully submit you're not listening to them.

So what we simply want to do is start over, work on a clean-sheeted paper, move through these issues, step by step, and fix them, and bring down health-care costs and not raise them. And that's basically the point.

Mr. MCCAIN. Finally, Madam President, I find it incredibly cynical to tell the American people that the cost of this reform is going to be I believe $371 billion less than we all know it actually will be.

I ask Senator BARRASSO, if those cuts were ever enacted, what is the prospect of any of the overwhelming majority of doctors just saying: I am not going to treat Medicare patients.

Mr. BARRASSO. We are going to see that. We will see that across the board. I was at our hospital in Wyoming on Monday talking to physicians who take care of everyone, and they have great concerns because they say at that rate they can't afford to keep the doors open, if the Medicare cuts go through, the cuts the President says will have to go through if, in fact, he wants to hold up the numbers he continues to talk about.

Mr. MCCAIN. Well, I hope we will continue to be on the floor. Again, we need to talk about what the President said during his campaign about many things but including what I saw this morning on FOX News where he said you shouldn't govern with 50-plus-1 votes, that he was in opposition to that. I am sorry he does not remain in opposition to that.

I thank Dr. BARRASSO and the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we are now on a bill to extend tax cuts, to extend certain payments for unemployment insurance, COBRA subsidies, and so forth. This is a jobs bill. This is a safety net extenders bill. This is not a health care bill.

Four Senators just spoke—I think there were four; six of them altogether—basically being very critical of the health care reform bill we passed in the Senate, very critical of the President's effort to pass health care reform. I think some of the misstatements made deserve a response.

The Senator from Mississippi called the Senate health care bill a massive tax increase. The Senator is simply mistaken. That is not correct. The health care reform legislation is, in fact, a major tax cut. It is not a tax increase but a major tax cut. The Senate passed a health care bill that provided more than $400 billion in tax cuts for Americans to buy health insurance—$400 billion in tax cuts. Those were tax credits given to Americans to buy health insurance. That sounds like a tax cut to me. This is the largest tax cut for individuals since the record tax cuts of 2001.

The junior Senator from Wyoming said: We need to stop and start all over again. Anyone who has paid any attention to the debate on health care reform for any amount of time knows the opportunity to pass health care reform comes around about once in a generation. It doesn't happen all the time. In fact, I think it was Teddy Roosevelt who first attempted to pass health care reform. So it has been 67 years.

We are on the cusp of passing major health care reform now. We all know health care reform must pass. Why? To address the Draconian cost increases that families, companies, and budgets are facing; to reform the health care insurance industry. If we do not do it now, don't reform health care now, believe me, this country is going to be digging itself into a pretty deep hole.

This comes along once in a lifetime. So a call to stop and start over again in reality is a call to kill health care reform. That is what that is. When you hear anybody saying let's stop and start all over again, really what they want to do is kill health care reform. That is the whole point of it all. Stopping and starting all over again sounds to me like nobody has paid any attention to where we are.

This Senator does not like to be partisan at all. Most Senators don't like to be partisan. But the fact is, the other side of the aisle never presented a comprehensive health care reform proposal. There was never an alternative. In my judgment, it was a disservice to the American people that the other side did not present anything that could be called comprehensive health care reform so we could debate it. The proposal offered by the Finance Committee and offered by the HELP committee, merged together into one, that was basically the Democratic version. There was an opportunity to debate that as well as debate the one offered by the other side, but they didn't ever offer one. Instead, what did they do? They just picked and tried to find holes and criticize.

It is easy to criticize; anything can be criticized. If you are halfway intelligent you can make any criticism that is inaccurate sound pretty good. That is basically what has happened, a constant barrage of criticism and very little good-faith effort to try to find a common solution.

There was an effort a while ago when Senator GRASSLEY and I and Senator ENZI, Senator CONRAD, and Senator SNOWE worked hard to try to find a solution. We worked for days and months. Frankly, to be totally candid about it, the other side decided it was better politics just to kill health care reform than it was to try to find a solution. That is why the three Republicans I was working with, frankly, had to withdraw. They withdrew because there was so much political pressure on them from their leadership to kill the bill.

Senator SNOWE stayed with us for a while, but even—I don't want to put words in Senator SNOWE's mouth or try to speak for her. She can decide what she wants. But even she came under tremendous pressure not to find a solution.

Any effort to start all over again is really a very thinly veiled call to kill health care reform.

Instead of passing health care reform, the Senator from Wyoming said he wanted a series of ideas. One idea he talked about is to allow people to buy health insurance across State lines. I am sure he did not really mean this, but if he thinks that is the sole solution to health care reform, I think most Americans who were denied coverage because of preexisting conditions, who face all kinds of problems from the health insurance industry, wouldn't agree with that. But, nevertheless, I might say the bill that passed the Senate does allow insurance to be sold across State lines—maybe not quite as freely as the opponents on the other side of the aisle would prefer, but we do allow insurance to be sold across State lines. Why? Because we want competition. We want people to choose. People should have the ability to choose what health insurance plan they want.

There is very little competition now. In many States maybe one or two companies dominate. There is very little competition. That is not right. Allowing insurance companies to sell across State lines will allow more competition, allow people a better choice, but it should be done in a way that is fair to the American public.

One of the big problems is, if companies are allowed to sell across State lines willy-nilly without some protections, I will tell you what is going to happen. It is going to be a race to the bottom. Insurance companies are going to race to find the State that has the lowest standards, and that is where they will set up and then they will sell across the country.

What that means is somebody who resides in a State that has pretty high standards but finds the only policies being sold are those sold by companies registered in a State with low standards is going to have very low-quality insurance.

What we want is fairness, evenhandedness, some balance so people are able to buy insurance freely and have their choice to buy insurance; which is to say, the basic approach the majority has taken in health insurance reform is to basically maintain the current system.

Today we spend about $2.4 or $2.5 trillion on health care. That is a total figure—about half public and half private. The half public is Medicaid, Medicare, Children's Health Insurance. That is about half. The other half is private; it is commercial insurance. That is the way it should be. That is our American way. We are not Canada. We are not Great Britain. We are not Sweden. We are not Japan. We are America. In America we have a system which is basically 50–50: half public, half private.

This legislation before us today maintains that allocation, maintains that ability for people to continue to buy private insurance. It maintains the ability for people to have more—in fact more choices, more competition, more opportunity to buy insurance, especially when the exchanges are set up.

I say to my good friend from Wyoming, who says: Gee, here is an idea. Why not let people buy insurance across State lines, we do that. We do allow people to buy across State lines, but that is after we have a level playing field. We want to make sure insurance sold across State lines is quality insurance, not insurance that is of very low quality. We also allow in the major legislation insurance to be sold across State lines when the exchange is set up.

The Senators from Wyoming and Oklahoma talked about something else. They talked about tort reform. I must say, when the Senator from Oklahoma, one who talks about tort reform, speaks—first of all, he said our bill ignores tort reform. That is not true. Our legislation does not ignore tort reform. Frankly, we begin with a series of steps. We begin to build, State-by-State, programs to try out some of the best ideas to address lawsuit reform in which, basically, States have the ability to try different measures. They can try courts, health courts; they can try something similar to workers comp or they can set up a system similar to tort reform—lawsuit reform in the State of Michigan. It is called ''sorry works.'' If it is a bad outcome, the hospital, the physician goes to the patient and says: I am sorry, it didn't work out. They have a long talk about it and negotiate out a settlement. If they reach an agreement, that is great. If they do not, then the statements used by the physician, if there is a subsequent suit, cannot be used. We do begin to go down the road of lawsuit reform in the major bill.

The Senator also talked about people joining to buy insurance in associations. I might say, again, our bill allows that. Our bill allows that and much more. When you hear people talk about the bill to join in association health plans, it is important to also point out to people that is quite restrictive. First of all, it is restrictive in the sense it is available only to members of that association. It is not available to other people. I think we want to make sure we set up pooling arrangements so all Americans have the availability of pooling.

In addition, who joins associations? The companies join them. What about the employees? The employees—the companies might be members of an association, pooling, but it might not be in the best interests of or what the employees want. It really cuts out employees.

The pooling we allow in our underlying bill is real pooling. It is honest-to-goodness pooling. Frankly, the real pooling will occur when the exchange is set up because then companies will be able to sell across lines in the insurance exchange and also where a lot more people will be involved, which will enable us to have the same benefits of pooling.

I might also say a point about the exchange. Right now, if you get on your computer, if you want to find the lowest airline ticket, what do you do? You go to Orbitz or you go to Expedia; you go to Travelocity, to these various outfits, and you look around and say: Oh, I like this fare. Oh, no, wrong day.

So you can shop online. That is basically what we are talking about in the insurance exchange. Just like Orbitz, just like Expedia, you get online and you can shop and you can find the right fares. It is going to be easier because we are requiring insurance forms to be standardized and much more simplified so people can understand the choices they are pursuing and make the choices they want.

I just want to make clear the Senate knows when the Senator from Wyoming talks about associations, he is really talking about pooling. Our underlying bill has pooling, and I think even better pooling.

The Senators from Oklahoma, Mississippi, and Wyoming expressed shock at the prospect of health care being addressed in a budget reconciliation process. The Senator from Oklahoma said the reconciliation process means ''ramming it through.''

What my colleagues fail to remember is that this body has used budget reconciliation 22 times. This is nothing new. And 17 of those times it was the Republican Party, controlling either the Congress or the White House, when reconciliation was used. Most of the time that we had reconciliation bills they included measures on health care. Health care is no stranger to the reconciliation process. I want to make that clear. Health care is no stranger to the reconciliation process.

I am not talking about just minor provisions in health care. The budget reconciliation was the process by which the Republican Senate passed the COBRA health insurance bill—under reconciliation, the Republican Senate passed it. COBRA, after all, stands for Consolidated Omnibus Budget Reconciliation Act of 1986.

The Senate used that process, reconciliation, to create the Children's Health Insurance Program in 1997. That was a very significant health insurance program created under reconciliation in 1997. So health care is no stranger to this reconciliation process. It is actually the exception when Congress has done health care reform outside of reconciliation. That is the real truth.

The Senator from Arizona questioned the constitutionality of requiring people to buy insurance. My colleagues want health care to be thrown out if these charges are true. The fact is, the vast majority of scholars who have considered the matter said the commerce clause and revenue clause in the Constitution give the Congress ample authority to address the responsibility of people to buy insurance. This has been addressed many times.

Certainly, somebody can trot out a law professor or somebody who can make a contrary claim. But our committee, the Finance Committee, looked at this issue very thoroughly. We searched out lots of law professors. We had to find out if this is constitutional, and the weight, the far weight of constitutional scholarship is, in fact, this is constitutional.

So when the Senators stand here and say it is not constitutional—they are entitled to their own opinions. That is fair. That is why we debate. But I might say, when one studies literature and quizzes constitutional law professors, the vast majority, the balance of opinion is that this is constitutional.

I might add that most States require people to buy auto insurance right now. Is that unconstitutional? Is that unconstitutional for the State to require purchase of liability insurance if you want to operate a car? I don't think so.

The Senator from Wyoming said our bill would bend the cost curve. He said the bill would raise health care costs. That is not true. Flatly, simply, categorically, positively not true. The nonpartisan Congressional Budget Office says the underlying bill would reduce the Federal Government's commitment to health care in the second 10 years—reduce. That does not sound like costs are going up.

Our bill, according to the Congressional Budget Office, would also cut costs for the taxpayer. First of all, the CBO said the legislation, the health care legislation reduced the deficit by $132 billion in the first 10 years and between $630 billion and $1.3 trillion in the second 10 years. That is a cut—cut deficits.

Let me just make a point there. We have large budget deficits, as the rest of the world knows. They have to be reduced.

Health care reform is a step toward reducing our fiscal deficits. It is a very significant step. As Peter Orszag said, the once head of the Congressional Budget Office, now head of OMB: The path to reducing our fiscal deficit situation is through health care reform.

We need health care reform to get budgets—family, company, and government—under control. To repeat, our bill, according to CBO, would cut costs to taxpayers, reduce deficits by $132 billion the first 10, the point I just made, and then about $1 trillion in the next 10.

To summarize, our bill provides real cost control. That is what is needed, real cost control. Our bill reforms incentives for the Tax Code to encourage smarter shopping for health insurance.

I might say, if this side over here wants us to stop and start all over again, what is going to happen? It means all those people today—and

there are millions of them—who are denied quality health insurance because of a preexisting condition will be unable to get good health insurance.

Basically, those who say, stop and start over are saying: We want you who cannot get good health insurance because of a preexisting condition to continue to not get good health insurance because of a preexisting condition. That is basically what they are saying. That is not right. That is not right at all.

It reminds me, too, of a fellow in my home State of Montana. A few years ago, I was talking to him and he said: MAX, I feel just awful. I have a small construction firm, I have six or seven people in my firm, and there is one person who has been with me for 20 or 30 years. My insurance company informed me my premiums are now going to go up 40 percent. I asked why. Because one of your long-time employees has a preexisting condition, and you have to either let him go—and then your rates will only go up 20 percent—or if you keep him, your rates are going to go up 40 percent.

That put this fellow, the owner of the firm, the guy I was talking to, in an untenable position. So what did he do? He shopped around. He looked and looked to try to find another insurance company that would not raise his premiums so much. Finally, he found one. His rates went up but not a full 40. I have forgotten how much they went up. But it was wrong for him to be in that position because he was not going to fire that person who was such a good person who had been with him for such a long period of time.

So our bill would begin reforming the way the government pays for health care. Right now the government pays for the number of services performed; our bill will begin to help the government pay for quality—a very important point. I think this is the real game changer, this is what is going to make a difference over time, is how we pay for health care. About 5, 6, 7 years from now, when these provisions kick in, we are going to be very happy we took the first step because that is what is going to make a big difference.

So I say my colleagues on the other side of the aisle threw a whole lot of criticisms at our bill just now, but because you say something does not mean it is true. Frankly, that is why I thought it important to stand and set the record straight because what they are saying is not true.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Madam President, we have before us a number of issues. On the floor today is a jobs bill. It is a critically important bill because so many Americans are out of work, and we are trying to find ways to keep families together while they are unemployed, but also to provide health care, which is one of the first casualties of losing one's job. This bill also tries to help several States facing disasters by providing assistance on an emergency basis. It extends tax relief to individuals and businesses and helps workers to plan for their futures by helping businesses afford their pensions. It is a good bill. It should pass. Yesterday we had a series of amendments filed, eight different amendments. There are others that will be pending soon. I hope this particular bill will not be filibustered by the Republican side of the aisle. There ought to be at least bipartisan agreement that if we allow amendments on both sides and everybody gets their chance, at the end of the day we will actually vote for the bill. I am afraid, though, that we are facing another filibuster such as the Bunning filibuster on unemployment.

What that does is drag this out additional days, additional weeks. While the people of this country are impatient, if not angry, with Congress, unfortunately these filibusters from the other side of the aisle just add to the frustration. I hope the Republican leadership will join us now in a bipartisan effort to help create jobs. We need to have help for small businesses. Most of us understand that is the engine that will help bring us out of the recession. These small businesses, if they can stay in business and add an employee, can make a significant difference in terms of whether this recession is long or short. I hope the Republicans will decide to work with us in good faith on this jobs bill. It is in the best interest of all Americans, regardless of party. If we are going to get our country moving again—and we get moving again—we have to stop these filibusters such as the one that tied us up for 5 or 6 days over the weekend and literally cut off the unemployment checks for thousands of Americans who are out of work through no fault of their own.

We also have to look at the issue which is perhaps one of the major challenges facing us between now and the next few weeks, and that is the issue of health care. Yesterday the President came forward, after his health care summit, and said to Republican leaders: We will accept four major provisions you brought up at the health care summit in a good-faith effort to bring you into this conversation so that we can have a bipartisan bill, a good dialog, and a bipartisan vote.

Unfortunately, the President's gesture did not lead to this kind of Republican cooperation. It is never too late. I hope some will still consider joining us. I think they should understand the President believes, as I do, that there are good ideas coming from the other side of the aisle and that the sooner we can bring them into one bill for the good of the country, the better.

Only this morning, I received an e-mail from a member of my family. She told me about a situation in Texas where one of the workers at an office where she knows some people was diagnosed with a serious cancer and is now facing an extraordinary effort to save her life. Chemotherapy and radiation are going to be her lot in life for some time as she struggles with this dread disease which has affected the lives of so many of us and our families. It is going to cost about $5,000 a week for the therapy she needs to save her life.

She was notified not only of this diagnosis and the need for this extraordinary care, she was also notified that her health insurance had been canceled. It is a situation which, sadly, faces too many people. People who have paid their health insurance premiums for a lifetime find out when they need this health insurance the most, it is canceled for a variety of reasons. One of the most common is the argument of the insurance company that one has a preexisting condition which they failed to disclose. I saw a list recently of preexisting conditions. It is a very long list. It includes things which most people would be surprised to read. Did you have acne as a teenager? Is there an adopted child in your household? Things such as this are used by insurance companies to deny coverage to people. The health care reform bill we are working on wants to put an end to these outrageous practices by health insurance companies. It makes it clear that to deny coverage for a preexisting condition is going to become a thing of the past. I would say that any and all of us should take heart in knowing that protection will be there for us when we need it.

It also will stop health insurance companies from putting limits on the amount of money they will pay out. We know what happens when you pay $5,000 a week for cancer therapy. It runs into large amounts of money, and some insurance companies at some point just walk away from you.

We also try to expand the coverage of young people under health insurance. My wife and I raised three children. When they reached the age of 24, our family health insurance no longer covered them. We want to extend that to age 26. That will mean many young people who are coming out of college—out of work and looking for a job—will at least have the health insurance protection of their family while they are looking for their first job and their own health insurance protection. I think that is reasonable.

When some argue, as we have heard from the other side of the aisle, that we are really going too far and too fast when it comes to health insurance, I would say these basic facts I have given you are the realities that face Americans, and if we do not deal with these health insurance injustices, if we do not deal with this unfairness, then, frankly, we will continue to pay huge amounts for health insurance and it will not be there when you need it.

This week, the mayor of a downstate city in Illinois—Kankakee—told me that this city of 28,000 people, with 200 employees and an annual budget of $20 million, 10 percent of which goes for the health insurance for their employees, was rocked to learn they are not only facing a recession, which has cut back on city revenues, but they face an 83-percent increase in their health insurance premiums next year. They are going to try to negotiate with the health insurance company, increase the copays and deductibles individuals have to pay, cut the coverage. That is their only way out of this terrible situation.

But they are not alone. Blue Cross and Blue Shield's Anthem policies for individuals in California recently announced they were going to increase annual premiums by 39 percent. Another friend of our family was notified yesterday her insurance premiums are going up 35 percent next year.

How long can families and businesses deal with this? The answer is, not long at all. And the larger question is, What are we going to do about these health insurance companies? Most companies in America—virtually all companies in America, save two categories—are bound by antitrust laws. What it means is, if you make an automobile or provide a service, you are bound by laws in terms of fair competition. There are two exceptions. One exception is organized baseball. Do not ask me why, but it is. And the second one is insurance companies.

It started back in the 19th century when insurance companies said: We are not national companies. We are regulated and chartered by States. We do business in States. Therefore, national antitrust laws should not apply.

Then, in the 1940s, someone took note of the fact that insurance companies were now doing business across State lines and therefore involved in interstate commerce and should be subject to antitrust laws. A law was passed, which started here in the Senate, called McCarran-Ferguson, which exempted insurance companies from antitrust law.

What it means is that insurance companies—like no other companies in America—can literally collude and conspire on the premiums they charge. They can legally sit down and decide how much they will charge for life insurance, casualty insurance, medical malpractice insurance. It is legal because of this McCarran-Ferguson exception. They can also parcel out territory: Insurance company A is going to take over Los Angeles; insurance company B will do New York; insurance company C will focus on Chicago—perfectly legal under current law but perfectly wrong.

To allow this sort of thing to occur is to fly in the face of our free market capitalism and competition. I am heartened by a vote that took place just a week or so ago in the House of Representatives where the vote to repeal the McCarran-Ferguson Act received more than 400 votes—435—a strong bipartisan voice.

I spoke to Senator Patrick Leahy of Vermont, the chairman of our Senate Judiciary Committee, this morning and said: I hope you will call this bill soon in the Senate. We need to repeal this antitrust exemption for health insurance companies and medical malpractice carriers to stop this collusion when it comes to pricing and this allocation of markets which we do not allow for any other businesses. I think if we do that, it is going to create a more competitive atmosphere, so insurance companies will compete with one another. Consumers win if there is real competition. Currently, it is perfectly legal to stifle competition in insurance, to limit the availability of insurance, and to dictate prices by industry, not by company. That has to come to an end. I hope we can either include it in health care reform or pass it separately. We need to do that.

Another element on which we need to focus is these increased costs. How do we start to bring down the costs of health insurance? For those who suggest premiums are going to drop precipitously in the passage of this bill, they are just wrong. What we are trying to do is to slow the rate of growth, the steep climb in prices. We want to try to flatten it out. There are many reasons to do it. We know as a government we cannot deal with our deficit as a nation as long as health care costs are skyrocketing for Medicare and Medicaid and Veterans' Administration care and so many other areas where we provide health care. We also understand that States face the same budgetary pressures, and the increasing costs make it difficult for them, as well as for local governments, not to mention the impact on businesses and families.

We now estimate that some 50 million Americans have no health insurance. They are not the poorest of the poor—those people are covered many times by Medicaid—and they are not the fortunate ones like Members of Congress who have the best health insurance in America. Many times, they are people who get up and go to work every single day and their small businesses cannot afford to pay the premiums and, of course, their children at home who may be denied coverage just because the parent works in a place where health insurance is not available.

There are things we can and should do about this. This health care reform bill, when it is signed by the President, will say immediately that there will be a tax credit available for all businesses with fewer than 50 employees that offer health insurance to their employees. We understand a lot of people work for these small businesses. If the owners of the businesses are really trying to provide basic coverage for their employees, we want to help them. We want the Tax Code to help them. The same thing is true for individuals. If the amount of health insurance premium you need to pay exceeds a certain percentage of your income, you will be eligible for a tax credit.

The critics of this bill talk about how much it costs. Well, it is an expensive undertaking, but more than half of the money that is raised for this bill is used in tax breaks and tax cuts for businesses and individuals to help pay for their health insurance, trying to get people through this difficult time so they have coverage and can afford to pay for that coverage. That is an essential part of what we are trying to do with this health care reform bill.

We also create insurance exchanges. The idea behind an exchange is to bring together private insurance companies—private companies—that will compete with one another for your business. We know how this works in Congress because those of us who are Members of Congress are under the Federal Employees Health Benefits Program. For over 40 years, this program has offered to Federal employees and Members of Congress the option of health insurance bought on an exchange.

I think we are the luckiest people in America when it comes to health insurance. As Federal employees and Members of Congress, each year we have open enrollment. My wife and I take a look at the private plans available through the State of Illinois and choose what we think fits us best. We have nine different choices of private health insurance companies—companies that are competing for our business. If we do not like the way we were treated last year by our insurance carrier, come September we will change, and we can pick another carrier and see if the coverage is better.

This is something every Member of Congress currently has, but when we went to the health summit, some on the other side of the aisle argued that the creation of these exchanges was too much government. Well, if it is not too much government for their health insurance and my health insurance, why is it too much government when it comes to the people of this country? They are entitled to competition and choice from private insurance companies, just as we are as Senators and Members of the House of Representatives.

One other criticism that was said: Well, you know what is wrong with this bill, this bill will not allow us to buy insurance across State lines. Now, that is a way we can save some money.

That does not tell the story. This bill does allow the purchase of insurance across State lines, multistate compacts, multistate efforts to offer insurance, but with one important element: we establish in this bill the minimum standards for coverage.

Incidentally, that is exactly what we do with the Federal Employees Health Benefits Program. If you want to be one of the companies competing for the business of Senators, you have to offer

certain minimum protection. Some of it is based on State law, some by national standards. Why do we do that? Because many people cannot sit down and carefully go through every line and every page of an insurance policy and try to imagine whether the coverage is adequate.

I recall, years ago when I was an attorney working in the State senate in Springfield, IL, a case came to my attention where health insurance was being sold to expectant mothers—family health insurance—but it excluded coverage for newborn infants for the first 30 days. Think about that for a second. If you and your wife have a baby and the baby has an immediate, costly medical problem, this health insurance plan excluded you, would not pay for it. So we said, as a matter of law in Illinois, if you are going to cover mother and child, you cover that baby from the moment of birth. That is part of the law. Maybe you can buy a health insurance plan somewhere in America that does not have that coverage, but what is going to happen when you have that sick baby and huge medical costs? You may end up in bankruptcy court. You may end up on a government health insurance plan.

So we try to establish basic minimum standards for the health insurance that is offered across America. I think that is the only right way to deal with this issue that challenges us.

We also expand coverage for uninsured people in America. There are 50 million uninsured people in America. We would provide coverage for over 30 million of those 50 million people. These are people who literally have no health insurance at all. What happens when they get sick? They go to the hospital or to the doctor and they are treated. Who pays for it? The cost is shifted. The hospital cannot collect from them because they cannot pay for it, so the hospital increases the cost for those who are paying, those who have health insurance. We estimate the average family pays $1,000 a year in extra premiums—almost $100 a month—just to cover the uninsured. If we bring more people into insurance coverage, fewer charity cases will be at the hospital, fewer dollars in cost will be transferred to the policies of the rest of us who have health insurance. It is a good thing to bring more and more people under this tent of coverage.

The Republican proposal takes a look at those 50 million uninsured Americans, and instead of covering 30 million, as we do, they cover 3 million. That is a far cry from 30 million. If our bill passes, it will mean that the largest percentage of Americans will have health insurance in our history. That is a good thing for our Nation. It is a good thing for our medical system.

We also, in our bill, try to move forward to encourage new innovative and productive medical practices. One of them is wellness. We have met with companies that have come to us and said: When we incentivize our employees to be mindful of their weight, the food they eat, their cholesterol, their blood sugar, their blood pressure, and to stop smoking, it makes a dramatic difference. They feel healthier, they live longer, and they need less medical attention.

So we are creating incentives for wellness. For example, one of the things we do is provide, under Medicare, a free annual exam for every senior citizen so they will be able to come in and be checked out, so little problems will not become big problems. I think that is sensible and responsible.

We have to move toward more primary care. Across America, we have community health clinics. These clinics are primary care clinics in cities and small towns across America. For many people, they are the only source of primary medical care. This bill we will pass—I hope we will pass—will double the number of those clinics and increase the number of people working there. Is it a good idea? Well, it certainly sounds good. But it is also economically smart. Where do sick people go today if they have no health insurance and they do not have a regular doctor on their child has a fever of 106 degrees? We know where they go. They go to the emergency room and they wait in a queue and eventually get treatment and it costs a fortune, dramatically more than it would cost if they went to a local clinic or primary care physician. So we are trying to provide good care, affordable care, cost-efficient care, and reduce some of the costs within the system. I think that is a move in the right direction.

The same thing is true when it comes to Medicare. Some of our critics on the other side of the aisle have said: They are going to cut hundreds of billions of dollars out of Medicare, and the simple answer is, yes, because we believe there is money there that can be saved without compromising in any way the basic benefits of the Medicare Program. This program for seniors and the disabled across America has been a godsend for over 45 years. People live longer and they are healthier and they are more independent because Medicare is there. Social Security and Medicare have given to this modern retired generation things that others just dreamed of. There was a time—and I can remember it in my own family—when your grandparents, after they had quit working either because of retirement or because of physical health problems, ran out of money, and what did they do? They moved in with the family. It was not unusual. It happened in our family and others. Along came Social Security which said: We are going to have a check for you, a monthly check. You will not get rich on it, but you will be able to get by on it, in most cases, and you can live in your own place, independent, the way you want to. Medicare said: We will help pay for your health care bills as part of this. Right now, if we do nothing to Medicare, in a matter of 9 years it goes broke. It starts running in the red. Doing nothing is not an option. So our bill, the health care reform bill which we passed in the Senate and which the President supports, will add another 10 years of solvency to Medicare. That is essential.

How do we achieve this by making savings within Medicare? One of the ways is to look at how care is provided. I took a look at the average Medicare cost per recipient in some of the major cities in America. In my hometown of Springfield, IL, with two great hospitals and great doctors, it is about $7,600 a year for every Medicare recipient. If you go up to Chicago, it is $9,600 a year. Over in Rochester, MN, at the Mayo Clinic it is in the range of $7,600, $8,000 a year. But if you go down to Miami, FL, the average is $17,000 a year for each Medicare recipient. I will concede Miami may be a little bit more expensive than the other cities I mentioned but twice the cost? I don't think so.

There are savings we can find in the Medicare system and still provide quality care that seniors need and are entitled to. We have to find ways to do that. If we don't enter into this conversation, in very short order, we are going to see the Medicare system basically facing insolvency. That is one of the real realities we face.

How are we going to reach this goal politically? That has become a major item of discussion. The President made it clear yesterday he feels that after the supermajority vote in the Senate for health care reform, we need to move this to conclusion and it should face an up-or-down vote. Let me translate what that means. It means, if the House enacts the Senate health care reform bill, they can also turn to something called reconciliation. Reconciliation is a process that is used in both the House and the Senate to deal with budgetary questions. We have not invented it. It has been around for decades and it has been used some 22 different times. That, to me, is an indication that reconciliation is an accepted practice and procedure in the modern Congress. We have seen as well that the Republicans have used it more than half those times for issues that are important to them; issues important to many of us. Children's health insurance was enacted through reconciliation. The COBRA program for health insurance for the unemployed was enacted through reconciliation. President Bush's tax cuts were enacted through reconciliation. In addition, Newt Gingrich's Contract With America, parts of it were enacted through reconciliation. So we know it has been used.

Some of the people on the other side have argued it is unfair to use it to modify any basic health care reform. It is interesting the critics of the reconciliation process have voted for it many times. Out of the 17 opportunities to vote for reconciliation since he has been in the Senate, the Republican leader, Senator MCCONNELL, has voted 13 times out of 17 for reconciliation.

Senator GRASSLEY has had 20 occasions to vote for or against reconciliation. He has voted for it 18 times. Senator MCCAIN, 13 votes on reconciliation, he voted for 9 of them. Senator KYL, 11 opportunities to vote for reconciliation, and he voted for them every time. So these Republican Senators who are now saying there is something flawed or wrong or sneaky about this process have used it over and over to achieve legislative goals.

I have voted for it myself. We had some provisions relating to reform of student loans, for example, that I thought were good for families of students across America. Through reconciliation I voted for it. There is nothing sinister about it. It was right there. What it basically means is this: Under reconciliation, you can bring a bill to the floor and it cannot be filibustered. We all know what a filibuster means. We just went through one with the Senator from Kentucky, Mr. BUNNING, who put a hold on a bill, and for 5 days we couldn't vote for unemployment benefits for people across this country. Eventually, the Senator agreed to a vote and we moved forward on it. So that kind of procedure is allowed in the Senate.

It takes literally days, if not weeks, to work our way through the deadlines and schedules to get to a final vote. Reconciliation says we are going to set the delay tactics and obstruction aside and we are going to have a majority vote. We bring the issue to the floor, 20 hours of debate are equally divided, and then any Senator can offer an amendment for a vote. That can be abused too. I hope it isn't if we move to reconciliation. But at the end of the day, there is a majority vote, up or down. Fifty-one votes will be necessary, I believe, for this to pass, and we will see if we move forward on health care reform in this country.

I hope we do move forward. I hope, if we can't get cooperation on the Republican side of the aisle to tell us they will not use filibusters and delays and obstruction to help do reform, that we do it through the reconciliation process.

Health care reform and the cost of health care is an issue in my home State of Illinois which is topical. A recent press release is entitled ''Illinois consumers to pay up to 60 percent more'' on individual health insurance policies. Individual health insurance policy premiums are soaring in the State of Illinois. It says:

> Consumers in Illinois who lose their jobs and have no other option but to buy their own health insurance will get socked this year with premium increases of up to 60 percent, according to state records.
>
> That group of consumers has been growing, as the recession has created more uninsured Americans looking for ways to protect themselves and their families. Now, Illinois consumers will get a glimpse into just how wide-ranging rate increases among individual health plans can be. The data, obtained by the Tribune, also provide a window into the overall trend of premium increases at large and small employers.
>
> For the state's more than half-million consumers in individual health plans—
>
> We are a State of 12 million—
>
> base rates will go up from 8.5 percent to more than 60 percent, according to state data. Base rates do not take into consideration health status, gender, age, place of residence and length of a policy—all factors that could affect the premiums further.
>
> The individual insurance market is relatively small compared to consumers who get their insurance through their employers, but it has become the fastest growing group in this economy.

I might add, that is going to happen as fewer and fewer businesses offer health insurance and people are on their own, people who might have their own medical history or history in the family that precludes an opportunity for this health insurance protection.

The Illinois director of insurance, Mike McRaith, says:

> This information is important because the individual market is where an increasing number of people fall when they lose their jobs and become unemployed. Individuals need insurance more and more and they are struggling to hang on to it now more than ever. Because fewer people are employed and fewer employers are offering health insurance, we would expect to see increased applications for individual health insurance.

When we hear from the other side of the aisle that we need to start over on this debate, it basically means to put an end to it. We are not going to start over. We have been at this for 15 months. We have had the most lengthy committee hearings in our history. The Senate Committee on Health, Education, Labor, and Pensions accepted 150 amendments from the Republican side of the aisle—150. Yet not a single Republican Senator would vote for the bill when it came out of committee. We have tried our best to not only have open and transparent hearings and an amendment process but to engage the other side of the aisle to bring forth their best ideas so we can try to put them together and do a package that does address the needs in America. But for those who say start over, end it, put it behind us, how do you ignore the obvious? The cost of health insurance is going through the roof. People know it, businesses know it, families know it, and we know it as a government. If we don't address this issue and address it openly and honestly, it will just get worse. That is something families understand and I think we all understand.

We have talked about jobs through the bill before us on the floor today. I happen to think health insurance is an important part of this conversation. When I met with some unemployed people in Chicago a couple months ago, I asked each one of them, and they were struggling to continue the health insurance for their family. I remember one mother who said: My problem is this. If I lose the health insurance I had where I worked, if I can't make these COBRA payments to keep up this health insurance and I am dropped, I don't think they are ever going to insure my diabetic son.

That is the reality of what people face. They lose costly health insurance, and they may never be able to find replacement. That reality needs to be addressed, and we can address it.

I sincerely hope many of my Republican colleagues will accept President Obama's invitation to join us in this effort. We can do this together, and we should. If we do it together, it will be a stronger bill and a better bill, but we can only invite our colleagues to the prom so many times and be turned down until we stop asking. This invitation was sincere yesterday. The President brought up four major elements Republicans have asked for and said we will include all of them in our health insurance reform bill. I hope they will join us in this effort. If they do not, we owe it to the American people to move forward, to make certain we are ending discrimination against people because of preexisting conditions; to make certain we are starting to bring down costs and increase choice and competition for small businesses and individuals; to bring into the coverage and protection of health insurance 30 million more Americans than we have today; to give Medicare another 10 years of longevity; to bring down the deficit in the process as health care costs start to come down. All these positive issues argue we need to get this job done.

I look forward to working toward that goal and getting it done in a matter of weeks and not months.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

AMENDMENT NO. 3337

Mr. INOUYE. Madam President, so often when Members come to the floor to offer simple amendments and describe their normal objectives, it sounds too good to be true. In my years in the Senate, I have found that when things are too good to be true, they usually are.

The amendment from the Senator from Alabama seeks to constrain discretionary spending at levels agreed to in last year's budget resolution. He says his intent is to cap spending for the next 4 years. We all understand that discretionary spending is likely to be frozen this year, as the President has proposed, but this proposal goes way beyond what the President of the United States recommended.

The President has proposed a modified spending freeze which caps nonsecurity-related spending. The President allows growth in Homeland Security, but this amendment does not assume growth. The President does not put a cap on emergency spending, but this amendment would. The President has requested more than $700 billion in this budget for Defense, including the cost of war. This amendment only allocates $614 billion. Specifically, this amendment only allows $50 billion for the cost of overseas deployments. As such, it fails to fully cover the cost of the wars in Afghanistan and Iraq.

If we want to support our men and women deployed overseas, we will need

to get 60 votes. Does the Senate really want national defense to be a hostage to a 60-vote threshold?

The critical flaw in this amendment is that it fails to do anything serious about deficits. It fails to address the two principal reasons our fiscal order is out of balance. It is a fact that the growth in the debt has resulted primarily from unchecked mandatory spending and massive tax cuts for the rich. This amendment fails to respond to either one of these two problems. In short, the amendment is shooting at the wrong target.

Moreover, this amendment also wants to raise the threshold on discretionary spending increases to a 67-vote approval, allowing one-third of the Senate to dictate the majority. We already have a threshold of 60 votes required to increase spending for emergencies above the budget resolution. I, for one, cannot believe the Senate wants to let a mere one-third of the Senate dictate to the other two-thirds whether an emergency is a bona fide one. This is the wrong direction for this institution.

Mandatory spending has run wild in the last few years. Tax cuts for the rich have constrained revenues. But neither tax cuts nor tax increases nor mandatory spending would be subject to 67 votes.

The Senator from Alabama says this approach worked to balance the budget in the 1990s. That is only partially correct, and it is critical that my colleagues understand the difference.

In the 1990s, our budget summits produced an agreement to cap discretionary spending. But they also decreased the mandatory spending and increased revenues at the same time. It was only by getting an agreement in all three areas at the same time that we were able to achieve a balanced budget.

Let's be clear. Many of our colleagues on the other side of the aisle are happy to put a cap on discretionary spending, but they do not want to put policies in place to make certain we have enough revenues to reduce the deficit.

Any honest budget analyst will tell you we will never achieve a balanced budget just by freezing discretionary spending. We could eliminate all discretionary spending increases for defense, other security spending, nondefense, and still not balance the budget.

Moreover, if we freeze discretionary spending without reaching an agreement on mandatory spending and taxes, we will find it very difficult to get those who do not want to address revenues to compromise.

I wish to remind my colleagues that the administration has just announced it will create a deficit reduction commission to help us get our financial house in order. It will look at both revenue and spending and find the right balance to restore fiscal discipline. They will make their recommendations to the Congress, and the majority leader has committed that the recommendations of that commission will be brought to the Senate for a vote.

The commission will certainly not focus solely on discretionary spending. If we are going to cap discretionary spending, then we must have similar controls on revenues and mandatory spending.

The commission has been created precisely for this reason. Rather than rushing to address only one small portion of the issue, the Senate should await the judgment of the deficit reduction commission which will cover all aspects of the problem.

As chairman of the Appropriations Committee, I agree everyone should tighten their belts. The problem with this amendment is that all the tightening will be done on a small portion of spending, while revenues and mandatory spending will still be unchecked.

Each of us was elected to serve our constituents, but we do not necessarily agree on the best way of doing that. We have some Members who want to hold down government spending, and so they do not seek earmarks or other program increases on behalf of their constituents. I do not agree with them, but I respect their views.

We have others who believe the best way to represent their constituents is to seek earmarks on their behalf. But those who seek earmarks or other programmatic increases from the committee should recognize that funding those programs puts pressure to increase government spending, not cut it.

I, for one, believe it is inconsistent to insist on getting earmarks for our constituents and supporting other spending increases while at the same time mandating that we cut spending for discretionary programs.

Chairman BYRD once stated on the Senate floor that sooner or later every Member comes to the Appropriations Committee for help.

I note that last year, the Appropriations Committee received requests for earmarks from more than 90 Members of this body. The Senator from Alabama was among those seeking earmarks. For fiscal year 2010, the Senator requested earmarks totaling more than $400 million.

I ask my colleagues: How is the Appropriations Committee supposed to live within the tight constraints of these proposed spending limits over 5 years and still satisfy those earmarks?

I would also point out that like many other Senators, the Senator from Alabama has come to the floor on several occasions to seek additional billions of dollars in support of building a fence along our southwest border. The total cost of that fence is estimated to be around $8 billion. It would be virtually impossible to provide the billions required for this fence under the terms of the amendment offered by the Senator.

Other Senators have supported large program increases, such as adding $2.5 billion to continue the C–17 program. I have strongly supported continuing the C–17 program, but all Members should realize if the Senate wants to cut discretionary spending programs, such as the C–17, they are unlikely to continue to be funded.

We cannot have it both ways. We simply cannot get the funds we believe are essential for our constituents or support our programs which we believe are of national importance, such as the border fence or the C–17, at the same time as we cut discretionary spending. Each and every Member should think about the need for funding for their States, their constituents, and the Nation before they vote on this amendment.

The Senate rejected this flawed plan just 6 weeks ago. This amendment has not gotten any better in that intervening period. It is still shooting at the wrong target, and it fails to address the real causes of our deficits and national debt. It is not the same as the President's plan. Therefore, I urge my colleagues, once again, to vote no.

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

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

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

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

The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I was hoping I could address an amendment I have on the Senate floor today.

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

AMENDMENT NO. 3391

Mr. BROWN of Massachusetts. Madam President, I come to the floor of the Senate today to give my first speech as one of the Senators from Massachusetts.

First, let me say I am deeply honored to have been elected and to serve in this great and historic Chamber. In addition, I am pleased to have the opportunity to address my colleagues and the American people and other folks here watching us for the first time about legislation that I am offering. It is called the immediate tax relief for America's workers amendment.

Families in Massachusetts and across this great Nation are suffering through these tough economic times. One year after Congress passed the stimulus package, Americans are still struggling to pay their bills, to save money for college, and to buy groceries to put on their kitchen tables. But in Washington, the Federal Government is driving up our debt and creating government waste on projects that, in my opinion, do not create enough private sector jobs or provide immediate relief for the American workers.

The hundreds of billions of dollars that we have spent and continue to spend on the stimulus package have not created one new net job. Most

Americans believe Washington is not using the money effectively enough, especially while many Americans are suffering and needing immediate and real relief.

In fact, the Federal Government right now is sitting on approximately $80 billion of so-called stimulus funds that are either unused or unobligated to specific projects as of this date. That $80 billion in taxpayer money is stuck in what I consider a virtual Washington slush fund potentially used for special interest projects or so-called pork projects to which many of us personally object.

I believe and others believe it is time to put this money back to work immediately and put it into the pockets of hard-working Americans and American families so they can get what they need, so they can provide for their families, they can save for their future, and put real money back into the struggling economy.

Providing an immediate across-the-board tax relief for working families is not complicated economic policy. I think it is simple and common economic sense. Leaders on both sides of the aisle, from Presidents John F. Kennedy to Ronald Reagan, have often called for across-the-board tax cuts to put money immediately into people's pockets to help stimulate the economy. I also believe this is a perfect opportunity to do the very same thing. I believe individual citizens know better. People up here watching, they know better how to spend their own money than we do.

The immediate tax relief for America's workers amendment I am proposing would cut payroll taxes and have across-the-board tax relief for almost 130 million American workers. That number again, 130 million people in the American workforce, including more than 3 million people in Massachusetts, would have immediate relief.

Madam President, 130 million workers will receive that immediate and direct tax relief. By turning the estimated $80 billion in unobligated stimulus moneys, accounts, over to the American people, our workers would see their payroll taxes reduced by almost $100 per month, up to $500 per person, $1,000 per couple within a 6-month period. It could be implemented within 60 days.

Some people in Washington may not think $100 or $500 or $1,000 is a lot of money, but I can tell you; I know the value of a dollar. The people in my State know that is real money, that is money that can be put into their pockets immediately and spent to pay for oil, food, medical bills, everyday basic needs. The American people need this relief and they deserve it. Families would immediately get the help they need to pay their bills, and we would put real money back into the economy, helping start a true recovery.

Unlike tax cuts of years past, this one is paid for entirely. It will not increase the deficit and could be implemented, as I said, within 60 days. It would be paid for by using the roughly $80 billion in unused and unobligated stimulus funds that are currently sitting in a slush fund in Washington, DC. In my opinion, it does nothing—nothing—right now to stimulate the economy that is struggling, as we know it.

Not to do this, I believe, would be a mistake and a disservice to the people who pay the bills, and those are the American taxpayers.

Let me be clear: My amendment would not add one penny to our Federal deficit. Also, let me remind my colleagues in this Chamber that bipartisanship is a two-way street. It is not just a one-way street. The Senator has commented to me, as others have, that she appreciated my effort to reach across the aisle last week and help pass a jobs bill the majority leader was pushing to put people back to work not only in Massachusetts but in your State—in your State and every State in this country. I took some heat for it, but I held firm and looked at the bill with open eyes, as I told the majority leader and the minority leader and all my colleagues I would do. It wasn't perfect, but I felt it was a good first step.

So that effort of bipartisanship was evident with me last week. Many of my colleagues came up to me and said: What a nice new tone you set, Senator. We are proud you are here. We are happy to see that bipartisanship. Well, let me say that when I see a good idea, I plan on supporting it, whether it be a good Republican idea or a good Democratic idea. As long as it puts people back to work, as long as there is a way to get it paid for and it makes good sense for my State and the people of this country, I plan on voting for it, regardless of what special interest groups say, regardless of my party, and regardless of what anyone else says.

Here is our chance to show the American people the partisan bickering is now over. We can help them right now. We can actually have a bipartisan effort on this very important bill that will put money immediately into people's pockets in 60 days—up to $1,000 per couple. I know many people who could use that money right now. With so many people struggling, I personally don't feel it is time anymore for political gamesmanship. The time is now to do the people's business. I have always felt we can do better. The fact that I am here has sent a very strong message across this country. The people in my State and throughout the country who supported me in record numbers are saying: You know what, SCOTT, we can do better. When you get to Washington, work across party lines, get the engine going a little bit, and let's get the people's business done. So this is my first amendment—this amendment to the jobs bill—and it makes fiscal sense and it is something that has been done in the past. JFK and Ronald Reagan called for across-the-board tax cuts and it worked.

We have tried a whole host of other things—targeted tax breaks, a little here, a little there—so why don't we give it back to the American people and see what they can do with $1,000, see what they can do to stimulate the economy. Let's give them a chance. When the immediate tax relief for America's workers amendment comes to a vote, my colleagues will have a very clear choice: They can support a measure that will immediately put money back into their constituents' pockets and into the economy or they can go along with the business-as-usual approach in Washington and leave the $80 billion in unused stimulus money in that slush fund to be used years from now.

The money we are talking about is not allocated. It is hanging out there. It is unlikely we are going to put it back to reduce the deficit, so let's put it to work within 60 days so people can use it when the summertime comes, and they can go out and do whatever they want with it. We can go and create more of a bureaucracy, if we want, or more government jobs, but I have confidence in the American people that they will do what they have always done. They have always reached down and tightened their belts. They have made a difference. They are the folks who will help us get out of this struggling economy.

I am not going to point any fingers. I am not going to say it is their fault or their fault. I don't care whose fault it is. The bottom line is, I was sent for a reason—to deliver a message from the people of Massachusetts and the hundreds of thousands of people who supported me. The message is: We can do better. Let's get the economy going.

This is a simple amendment, and I am hopeful we are going to get bipartisan support. I can tell you it would be very easy to use procedural points of order to try to delay this particular amendment and allow it to get lost in the shuffle. That is very easy to do. We can do a procedural point of order to delay action on the economic emergency facing American workers. But, by golly, I am not going to do it. I am going to do everything I can do every single day to make sure I put as much money back into the American people's pockets to do what they do best—to save and to take care of their families. They can do what they have done for years; that is, to help stimulate this economy. After all, that is what the Chair was sent here to do and the rest of my colleagues were sent here to do. The people watching in the galleries and the people on TV expect us to do that, to get back to work and solve the problems.

Let's move on. This is a great opportunity to do that. I am hopeful I am going to get some support. I believe there may be others speaking, so I respectfully yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the remarks of the junior

Senator from Massachusetts. He has come off the campaign trail, where he talked to thousands and thousands of people all over his State and heard from, I would guess, millions from around the country. We should listen to some of the things he is telling us because it strikes me that we, too often in this body, are a bit insulated, and we fail to see that people are asking us to make some changes in what we do when we think we have to continue to operate the way we have been operating.

But that is not what I am hearing at my townhall meetings. I don't know that anybody in this body, if they are listening in their townhall meetings, are hearing business as usual is what the people want us to do. What I am hearing is a great concern and expression of regret, and in some cases frustration and anger, over the amount of money we are spending and how recklessly we are doing it. I guess that is what I am here to talk about.

The bill Senator CLAIRE MCCASKILL and I are offering is a bipartisan bill. It had quite a bit of Democratic support last time. We came within just a few votes of reaching 60 votes and passing it, and I am hopeful today, with the alterations we have made, it will appeal to some of my Democratic colleagues and they will be able to support it now. I believe it will take quite a positive step in how we fund our government and how much debt we run up.

In the 1990s, an idea was placed into law that said the budgets we pass should have statutory language and should be made a part of statutory law. So we did that in the 1990s. We began to see, shortly after the passage of that, a containment of the surge and growth in spending. The growth was far more modest and, as a result, by the end of the 1990s we had a surplus.

President Clinton claimed great credit for that. I think sometimes he fails to recall the Congress acted, and ultimately it is Congress that has the power of the purse. No money can be spent that we don't authorize and appropriate. Nothing can be spent by the President or any other Cabinet person that Congress hasn't authorized and appropriated to be spent. Those are the facts.

This legislation would put what we call caps or limits on discretionary spending. That does not include entitlement spending, so not counting Social Security and Medicare and those kind of things. It is the discretionary accounts we have in the Senate. This amendment would put some limits on them—the limits we chose for the fiscal year 2011 through fiscal year 2014. This is the 2010 budget resolution we are now under, which was passed by our Democratic majority and supported by the President of the United States. It is his projections and our projections—the Congress's projections—for spending growth in the next 4 years. The budget resolution we passed allows for a 2-percent increase per year in both defense and nondefense spending. The caps in the amendment are exactly those we voted for in last year's budget.

Currently, we are not standing firm with the budgets we pass. We know that is a problem for us and we need to discipline ourselves. We have learned that from 1991 through 2002, the statutory caps on spending helped us contain spending. We did not surge discretionary spending as much as had been the case earlier. When it ended in 2002, the spending started back up again. Not only did it start up, it has now reached a level of growth the likes of which the country has never seen before. Last year, our total deficit for the year was $1,400 billion. This year it is going to be $1,400 billion or $1,500 billion when we end. We have never had anything like this before. How much we are spending and how little we are paying for what we spend is a stunning development.

This legislation would not impact the bills that have already passed. Some say: Well, you might try to contain the stimulus bill we passed. No, that has already passed and wouldn't be covered. None of the other bills that have passed would be covered. Indeed, as part of our discussion with our colleagues in the Senate about their concerns with the legislation the last time we voted on it—a few weeks ago—we exempted this year, and we are spending pretty substantially this year—well above our budget. So we had people say: Well, JEFF, I am concerned about this year. I want to spend more this year. But next year we have to get this house in order. Well, we are well into this year already, so my decision would be: OK, that is a request I will accept, and Senator MCCASKILL agreed. So now we are asking that this limit be placed beginning next fiscal year, instead of this fiscal year.

It is very similar to the plan proposed by President Obama in his State of the Union Message and his fiscal year 2011 budget. In fact, President Obama actually went further in saying he wanted to see a freeze on a lot of these accounts. Our bill would allow a 1-percent to 2-percent increase in spending in these accounts. He is saying a freeze would be better. So, JEFF, are you saying you want to spend more than the President? No. I think we should try, and I would be supportive of trying to maintain the freeze the President suggested. But I would say, based on our history and what we have seen from statutory caps, if we pass caps with this 1- to 2-percent increase, then we might be able to at least stay within that because last year our increases were 8 percent or more in spending. We all know we have to do better, and our budget says we will do better. So this amendment would give some strength to that.

The legislation specifies spending for defense and nondefense programs consistent with the budget resolution. It contains a $10 billion-per-year emergency fund, which fits in with the budget resolution. We have set aside $10 billion this year, and we should do at least that amount each year to ensure we have resources available if a genuine emergency arises and we need to respond to an emergency. So we would set that aside. This amendment requires a two-thirds vote of 67 Senators to waive the annual caps or the emergency $10 billion fund. That is stronger than we have had before. We have had a 60-vote cap. But we know we are spending at a very reckless rate. Contrary to what people say, we have had bipartisan support for all kinds of emergency spending, and there is usually 90 or 100 votes for hurricanes, earthquakes or similar things. At any rate, we think the 67 votes would say to this Senate that we are serious and there should be a legitimate reason that can be defended to waive the budget to spend more money. Also, it would say why don't we find money elsewhere within our budget, through efficiencies and other ideas, to contain that growth in spending and pay for some of it first before we send it to the credit card and add it to the debt?

This amendment does not apply the caps to spending for any military action. I know Senator INOUYE and others have raised the question will it deny soldiers in the field support. The caps would not apply to any military action in which the Congress has provided a declaration of war or authorization to utilize military force. That is, I think, the appropriate way to handle it. This amendment would be exempting those kinds of situations.

This is similar to what the President has called for and what Congress did throughout the 1990s with bipartisan support. This amendment has been evaluated by some of the best budget minds in America, independent groups that are respected. These experts understand the nature and problems of our Congress and how we tend to break our budgets instead of staying within them. They are terribly concerned about our spending; they are issuing reports, and many of them have endorsed us.

One of the best known groups is the Concord Coalition. They endorse the amendment. The Committee for a Responsible Federal Budget that includes former OMB, Office of Management and Budget, officials and Congressional Budget Office officials. They work together for responsible Federal budgets, and they support it. Citizens Against Government Waste; the National Taxpayers Union; the Heritage Foundation; Alice Rivlin, who was the first head of the Congressional Budget Office and was the head of the Office of Management and Budget under President Clinton and is now a Brookings Institute senior fellow—she supports it. As does Douglas Holtz-Eakin, former Director of the CBO under President Bush, who has spoken out on these issues.

This amendment is supported by a majority of the members of the Senate

Budget Committee the last time it was considered, and it gives the Budget Committee more ability to make sure their budget is not abridged and broken.

What about some questions and answers? Will this bill prevent the Federal Government from responding to legitimate purchases? The answer is no, it will not. We have $10 billion set aside anyway; it is set aside right upfront. The amount is included in our budget resolution from last year and that money can be utilized for any emergency.

Second, the emergency appropriations, for example after the 9/11 attack; the 2004 tsunami; Hurricane Katrina—all passed with overwhelming support in the Senate, 93-votes-plus each and every time. So this is far above the 67 votes. Not a single emergency natural disaster bill since the emergency designation was created in 1990—and there have been quite a few—has gotten less than 67 votes. To say it will deny us the right to respond to a legitimate emergency is incorrect.

Question: Would the Sessions-McCaskill bill prevent Congress from funding the missions in Iraq and Afghanistan? As I said, this threshold of 67 votes would not apply in cases ''of the defense budget authority if Congress declared war or authorizes the use of force.''

In addition, all emergency war supplementals for the global war on terrorism have received far more than 67 votes anyway.

Question: Would the Sessions-McCaskill bill prevent Congress from caring for veterans? That has been raised a good bit. The fiscal year 2010 budget resolution incorporates significant increases in funding for veterans, an 11-percent increase in fiscal year 2010, which built on large increases in fiscal years 2008 and 2009. In addition, a significant amount of veterans spending is mandatory. Entitlements and mandatory spending would not even be covered by this, just as Social Security and Medicare is not covered by it. Veterans programs have always enjoyed wide support in the Senate and I don't think there is any doubt that legitimate concerns for veterans would be properly addressed. It should be paid for whenever possible but, if we cannot do that, if we have a crisis for our veterans, I have no doubt there will be 67 votes to take care of the veterans' needs. In fact, the emergency supplemental for veterans' health care that came up in 2005 received 99 votes. Veterans funding, I think most of our Members believe, ought to displace less priority items.

There is a myth out there that the sponsors are saying this will balance the budget by focusing on nondefense discretionary spending and this is a small part of the budget. It is not the biggest part of the budget. And it is not going to balance the budget in itself. But the facts are this. First, the amendment caps growth in both defense and nondefense discretionary spending. Second, the sponsors have never claimed the amendment would balance the budget. We have to do a lot more than this. The President himself estimates that his 3-year freeze he proposed—spending not related to defense or veterans or foreign affairs—would result in a $250 billion savings over 10 years and that is real money.

This legislation has the potential to save hundreds of billions of dollars. If the choice is between 8 and 10-percent increases, as we have had in the last couple of years, and the 2-percent or so increase that would be allowed under this budget, it would save a lot more than $250 billion over a period of time.

I want to say how much I appreciate the support and leadership by Senator MCCASKILL on this matter. When we voted before, all Republicans but 1 and 17 Democrats voted for the legislation. I expect there is at least one more vote with our new Senator from Massachusetts. We have changed it to apply to next year and not this year. That should attract more support. I am hopeful that we could pass this. I think it would send a message to our colleagues and to those who appropriate the money here, that we are serious about staying within the budget limits. We are saying to the President, not only do we support you but we are going to create a mechanism where it is going to be harder to spend more than you proposed. We will send a message to the financial markets, which are wondering what we are doing here.

If you read the financial pages, people make statements on Wall Street that indicate they have no confidence we are going to reverse the trend we are on. In fact, the trend is so stunning it puts us on the road to tripling the national debt in 10 years—from 2008 with $5.8 billion in public debt held by people all over the world, including governments such as China, to 2013 with $11 trillion, to 2019 with $17 trillion—doubling in 5 years, tripling in 10 years.

I think we can do better. There is a lot of blame to go around and all of us deserve some of it. But we are in a position where I think we can make a difference today. This legislation, I believe, is a good step and would send a message throughout the world, to the financial markets, that Congress is beginning to take firm steps that would contain the growth of spending.

I am pleased to see my colleague from Missouri here. She has been a champion on this and integrity in spending in all areas. She challenges waste, fraud, and abuse. She understands more than most in our body that the money we have extracted from the American taxpayer should be spent very carefully in order to guarantee we get a quality benefit from it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. At the risk of predicting bipartisanship is going to break out at every corner of this place, I saw my friend was on the floor and I wanted to take a minute to come and talk about what this amendment represents on several levels. First, it is truly a bipartisan effort. My friend from Alabama, with whom I have worked closely on this amendment, is right. There is plenty of blame to go around and we spend a whole lot of time on the blame game on this floor. This is a moment we can get beyond that. This is a moment we can support our President, we can speak to fiscal accountability, which many of my friend who are in my party and many of my friends in the other party like to talk about. But there is the talk and then there is the walk. We have a lot of talk about fiscal accountability but so often we kind of do not want to walk the walk. This is a moment we can walk the walk.

The President wants to do this. In fact, as my friend pointed out, the President's spending freeze goes further than this amendment. It goes further than what we are proposing to do. This is not an unreasonable amendment. In fact, it leaves out emergency spending, which we have talked a lot about this year. It leaves out this year because of the kind of critical economic situation in which we find ourselves. It leaves out wartime spending for those conflicts the Congress has authorized. But everybody else is in the pool. Everybody else is in. We have to look at, over the board, the kind of spending freezes where 1 to 2 percent is enough in light of the deficit we are facing.

We are so close to passing this. We are so close. I am not sure if we succeed in passing it that confetti is going to drop from the sky or balloons are going to come down, but they should, because it will be a moment, maybe the first moment in a long time, that the American people, if they were paying close attention, would think to themselves: You know, maybe they get it, just maybe they get it.

If we fail to pass this modest, appropriate path to fiscal responsibility—if we fail to pass this, then I don't blame the people for whom I work. I do not blame them if they shake their heads in wonderment. What is it going to take? How much money are we going to pretend we have, year after year, handcuffing the greatness of this Nation? Because if we are honest about it, this Nation has been great for many reasons: our values, the strength of our military, but at the end of the day, this Nation has been great because we were an economic power. We were the country everyone looked to about how we did our economy, how we promoted entrepreneurs, how the free market lifted all boats. We will not be able to survive in economic greatness if we do not figure this out.

In fact, if we look over our shoulder right now, there are a couple of big guys coming up on us and they hold our debt. They hold our debt.

I know I have some fence sitters particularly on my side. I say to all the

fence sitters, this is not as aggressive as the President has laid out. Support your President. Freeze spending at a reasonable level, leaving out emergencies, leaving out wars that we have in fact signed off on in Congress, and let's get busy showing the American people once and for all that we get it.

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. BURR. 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. 3389

Mr. BURR. Madam President, at 2 o'clock, I believe we are going to have a series of votes, roughly somewhere around 2 o'clock. One of them is going to be on amendment No. 3389, an amendment that I offered yesterday but chose not to speak on yesterday. I would like to take about 5 minutes just to share with my colleagues what the content of this amendment is.

In simple terms, it is a sales tax holiday amendment. I think we all agree, there is no partisan difference, that our economy is shut down; that we are in a period of anemic growth; and that with anemic growth there is no hope of reinflating employment. We are almost at a point where we need a shock and awe in our economy, something that gives confidence back to consumers, and, more importantly, to manufacturers of goods.

We have experienced, over the last several months, a replenishment of inventory of purchases that were made in the fourth quarter, predominantly because of the holidays. What we have seen since then is a decline in, or a stagnation of, retail sales. Once we get past this replenishment period, we are going to see manufacturers who look at their workforce, not with the intention of growing it but potentially of possibly shrinking it if things do not grow with the outlook.

I think we are at a point that there is not one silver bullet. I think it takes things such as tax credits to employers that help provide an avenue to bring on somebody new, but it requires something to go out the door.

So I think we have neglected in many ways two areas: one, the access to credit—and there are some bright minds in a bipartisan way working on that here—but also what do we do to stimulate economic activity.

Practically every State in the country, one time a year, at back-to-school time, announces they are going to have a sales tax holiday for the weekend limited to those items that are back-to-school items. Forget the fact that the week before there were probably 50 percent off signs, and nobody went to the store and took advantage of the 50 percent off for backpacks and pencils and paper.

All of a sudden, the no sales tax sign goes up for 2 days, and it is a mass consumer frenzy to try to buy those products while there is no sales tax. I cannot explain why. I can tell you it works.

In 2001, when we were in an economic downturn, we introduced something similar.

So what does my amendment No. 3389 do? It establishes a national tax holiday to provide a needed economic boost for small businesses and for consumers. The legislation would allow States to voluntarily choose to participate and suspend collection of sales taxes for a 10-day period to encourage greater sales.

The Federal Government, unlike in 2001, would share with States the economic cost that would be incurred in lost tax revenue during the tax suspension. The Federal share would be 75 percent of the taxes lost at the State and local level. This is cost sharing. We are going to ask the States to share at 25 percent in hopes that the increase in sales will more than make up for the 25-percent cost that States have incurred in the program.

This sales tax holiday would run for 10 days beginning the first Friday 30 days past enactment of the legislation. Now, why is that important? It is important because starting on the first Friday we get two weekend cycles in the 10-day sales tax holiday.

In my household it does not matter what day of the week it is, we will buy regardless. But there are many Americans who, because of their work schedules, because of their family schedules, the weekend is the only time they have access to do it. This legislation, I believe, would provide increased consumer confidence but, more importantly, stimulate economic activity, stimulate economic activity with tax credits for employers that begin to hire back, and match that with the capital that is needed by small businesses in the way of loans. I think all of a sudden we have a formula that we can turn this economy in the right direction. It may not be a plan to sustain it, but I think what we have to overcome is the lack of confidence of the American consumer right now.

The legislation would require the States to notify the Secretary of the Treasury within 30 days of enactment. Let me say for States, no later than 45 days after the end of the holiday, the Secretary of the Treasury would pay the participating States their 75 percent. Actually in the law it would say: You have 45 days to pay back. Hopefully, it would not be another Cash for Clunkers disaster that we had where the dealers were not reimbursed for the money they had out.

Again, let me just say, tax holidays have a successful track record at the State level. They have provoked strong retail consumer reaction. While they are still somewhat of a new phenomena, surveys and case studies are showing, and have shown, most shoppers view the sales tax holiday favorably. It is an important motivation to them to shop.

What do I have to go on to offer this legislation? I have actually talked to retailers. I have listened to them. I have asked them what would change this overnight. Without exception, they all point to one thing: Do a tax holiday and you will drastically change the number of people coming in our stores. You will drastically change how much they purchase.

This is not a tool where I am trying to create grotesque purchasing in this country. But I am trying to say to the American people, if we want to turn the economy around, if we want to start reinflating employment, it all starts with creating retail activity. We have an opportunity through this legislation to begin to create the retail activity that puts on a path to recovery.

I hope my colleagues in the next hour or so will consider this piece of legislation. I pay for it with unobligated stimulus money. Therefore, I readily expect a point of order on the Budget Act. So the likelihood is, we will not vote on this amendment, but we will vote on waiving the Budget Act. If we waive the Budget Act, that will tell you that we would then agree to this language, and then it would be up to the House to determine whether we have come up with a successful way to stimulate retail activities.

I thank my colleagues for their consideration.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, I ask unanimous consent that at 2:30 p.m. today the Senate proceed to vote with respect to the following amendments, with no amendments in order to the amendments on this list, prior to a vote in relation thereto; that prior to each vote listed here there be 2 minutes of debate equally divided and controlled in the usual form; and that after the first vote in the sequence, succeeding votes be limited to 10 minutes each; further, that the debate time until 2:30 p.m. be equally divided and controlled between the leaders or their designees: Stabenow amendment No. 3382, Brown amendment No. 3391, Burr amendment No. 3389, Sessions-McCaskill amendment No. 3337; further, that upon disposition of these four amendments, the Senate then proceed to executive session to consider Executive Calendar No. 609, the nomination of William Conley to be U.S. district judge for the Western District of Wisconsin; that once the nomination has been reported, the Senate then proceed to vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, 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.

Mr. BAUCUS. Madam President, I yield such time as he desires to the Senator from Massachusetts.

AMENDMENT NO. 3403

Mr. KERRY. I thank the chairman of the Finance Committee and the manager of this bill.

I wanted to take just a few moments to talk about an amendment I have filed to extend the TANF emergency fund; that is, the Temporary Assistance to Needy Families Fund. I hope I can work with the majority leader, who is already working with us to work through some of the difficulties in terms of the overall funding levels, to hopefully have a vote on this at the earliest possible time.

We have the opportunity to extend a proven program that provides genuinely desperately needed assistance to the Nation's poorest families and their children, the people who are the most vulnerable to an economic downturn. I am joined by Senator SPECTER in offering this amendment to extend the Temporary Assistance to Needy Families Fund, the TANF as we call it, the emergency contingency fund, which was included in last year's economic stimulus legislation.

I am glad to say this policy is supported by Majority Leader REID, by Chairman BAUCUS, Senator SCHUMER, Senator FEINSTEIN, Senator SPECTER, and others. It is my understanding this amendment is fully offset. Senate Finance Chairman BAUCUS and Majority Leader REID have been integral to the development of this amendment. I am very grateful to them and their staff for the assistance they have given us and for their help on this important issue.

This is not the moment in our economic recovery effort to walk away from the neediest families in the country, from a successful program that has bolstered the safety net and created jobs for the unemployed. What my amendment does is simply extend a program that is already working, and working effectively. It extends a program that was specifically put into the economic stimulus package because it is so critical, so sustaining in support for these neediest families at a level where it is even harder to get jobs and break back into the recovery.

According to the Center on Budget and Policy Priorities, more than 30 States are currently using TANF emergency funds to create subsidized jobs. By this summer, these programs are going to have provided subsidies for more than 100,000 jobs. That number could grow substantially with more time and more money.

Let me just share with colleagues sort of the breadth of these kinds of things, some of the examples of the job placements that have been made and created by the TANF emergency fund range from administrative jobs: project management secretary, legal secretary, data entry clerks, merchandise listers, dispatchers, marketing sales, and so forth; construction: painters, laborers, installers, land development, general laborers, surveyors, and so forth; customer service: porters, cashiers, housekeeping, front desk clerks; food service: restaurant managers, catering managers, food preparation, food delivery; health care: medical billing, medical record clerk, receptionist, and so forth. There are maintenance jobs, production jobs, human service positions. It covers the full range of the American economy, and it makes a difference in communities to people's, literally sustainability, and to families being able to hold together and stick together.

Some States are using the TANF fund to extensively help offset higher basic assistance costs and to extend a variety of short-term emergency aid to struggling families, such as heating assistance, housing assistance, domestic violence services, and transportation help.

This amendment maintains the current policy of reimbursing States for 80 cents on every dollar spent on subsidized employment or basic assistance or short-term or emergency aid.

The amendment aids a fourth category of programs that can receive emergency funds, and those are work programs. As families continue to struggle to find jobs with the high unemployment that we are facing, this category has been added in order to give States new options for bolstering employment and job preparation.

Finally, this amendment would provide States with a maximum allocation for fiscal year 2011 equal to 25 percent of the State's annual TANF block grant.

I am pleased to say that Massachusetts has been one of the top five States in using these emergency funds. We have currently used 65 percent of our available funds. It does not mean we are using someone else's funds; those are the funds available to us. But it shows you that where the need is important and necessary what a difference it makes.

We are on track to draw down 100 percent of the emergency funds that are allowed under the Recovery Act by September of this year. We are using this fund to maintain key existing safety net programs for cash assistance, emergency housing, rental vouchers, job programs, and family services. This basic assistance helps the economy because the families receiving it spend virtually every cent of it in their local economy to immediately meet their basic needs.

A 1-year extension of the TANF emergency fund could provide us with an additional $60 to $108 million to accommodate the 10-percent TANF caseload increase we have seen since the start of the recession. I believe this is a fundamental continuation of the social contract that exists in this country where we have all come to understand that communities are sustained, an enormous difference is made in the lives of children particularly but in families, the neediest families in our country, many of whom have the hardest time finding jobs because they are at the bottom end of the entry level of job levels in many cases, and those are the jobs that have been lost the fastest and the quickest and they are the slowest to come back in many cases.

I am pleased to say this legislation is supported in a bipartisan way from bipartisan organizations, including the National Governors Association, the National Conference of State Legislators, the American Public Human Services Association, and the National Association of State TANF Administrators.

This fund has caused both direct job creation and has provided an enormous amount of necessary activity in local communities. A vote against this amendment would leave an awful lot of folks unemployed, low-income parents without work opportunities or without the vital assistance of basic necessities. I hope all colleagues will support the amendment when the time comes.

I suggest the absence of a quorum and ask unanimous consent that time under the quorum call be divided equally between both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Virginia.

AMENDMENT NO. 3342

Mr. WEBB. Mr. President, I rise to speak about amendment No. 3342 which I have offered with respect to the legislation in question. There has been some confusion among my colleagues about what exactly is contained in this amendment which I introduced with Senator BOXER as an individual standalone bill previously and introduced in similar format here on this legislation.

I emphasize to my colleagues that this is a carefully drafted, one-shot amendment designed to give the American taxpayers a place on the upside of the recovery of the financial system that they, quite frankly, enabled. This amendment would provide a one-time 50-percent tax on bonuses that are above $400,000 of any initial bonus paid to executives of financial institutions that received a minimum of $5 billion in the TARP program. It is only for income that was generated through work in 2009 and compensated in 2010. This is a one-shot matter of fairness to balance out the rewards these financial institutions received which were enabled by the contributions of the American

taxpayer in the TARP program. We have had estimates that this amendment will recover for our economic system somewhere between $3.5 and $10 billion. I again emphasize that the American taxpayers did not create this economic crisis. They were required to bail out those people who did create it. They deserve to share in the upside, in the rewards they themselves enabled.

Paul Krugman, who is a Nobel Prize-winning economist, wrote in July of 2008 about his concern at the very inception of this economic crisis that we were moving toward a tendency in this country to socialize risk and individualize reward. In other words, whenever we create a situation where there is an economic challenge, the American taxpayers at large are expected to absorb the risk. But then when the reward comes in, only the executives, the people who were managing the financial system, are able to actually get the rewards.

This particular reward in this one-shot tax proposal has come about largely as the result of government intervention, as the result of working people having to put their money forward in order to bail out a financial system that had gone wrong. As a result, I believe, as a matter of equity, the reward should be shared with taxpayers who made it possible.

For those who had to vote on the TARP program on October 1, 2008, it was a very difficult vote and a defining moment in the Senate. We need to remind ourselves of what was going on at that point. We were called on a mass conference call in the Senate by the Secretary of the Treasury and Chairman Bernanke telling us that if we did not move $700 billion forward without a hearing, on an emergency basis, the world's economic systems were going to go into cataclysmic free fall.

I, like a lot of Members, struggled with that vote. I talked with as many people as I could across the philosophical spectrum of how the economy should work. I finally decided in favor of moving that money forward. At the same time, I laid down a set of principles. One is that we should look at executive compensation. Another is that we should look at reregulating the financial sector, on which Chairman BAUCUS has taken the lead. Another is that it would be vital, in terms of fairness, that we include the American taxpayer on the upside of any recovery. In other words, if the taxpayers were going to have to put money in when these troubled assets or toxic assets—whichever term people would like to use—couldn't find a value and were clogging up our economic system, clogging up our liquidity, once that situation was cleared and a value was placed on these amounts and the economy started to recover, a portion of that benefit should go to the taxpayers who had to put the money out.

There has been some talk about how with these companies—and we are only talking about 13 companies that got $5 billion or more—TARP money has been paid back. In some cases, a good bit of this money has been paid back. But I wish to make two points.

The first is, any moneys that were paid back were received at the earliest in midyear last year, 2009, meaning that taxpayer assistance to these companies was very much in effect. Quite frankly, among the 13 companies included in our amendment, most of the money has not been paid back.

I have had some questions here on the floor about whether this amendment discriminates against New York. Quite frankly, two of the largest companies with respect to bailout commitments are based in DC and in my own State of Virginia. This has nothing to do with regional disagreements or class envy of any sort. It is just a matter of how we ought to deal fairly with the way our taxpayers, our working people, had to step forward.

A second point in terms of the TARP money being paid back is that the extent of our government's obligation to these bailout companies is astronomical. It is beyond the $700 billion. This goes to Paul Krugman's point which he has made consistently since 2008 about continually socializing risk that is enabling these rewards and not giving a benefit to the people who largely took the risk.

The billions of dollars in bonuses being paid out are a direct result not only of the TARP bailout but also of generous Federal Reserve policies over the last year. We have seen near-zero interest rates, a discount window, and we have had the toxic assets bought by taxpayers. At the same time, these firms were able to borrow cheaply, to lend at a higher rate, to charge fees, and to leverage their bets into purely financial transactions.

If you examined a quarterly report to the Congress that came out in July of last year, they indicated that the true potential amount of support the Federal Reserve was providing these programs was in the neighborhood of $6.8 trillion. So these risk takers, these people who were managing at the top level in these companies did so at a time that they had enormous backup from the American taxpayer.

Andrew Cuomo, attorney general of New York, wrote a letter in January of this year to TARP recipients. In this letter, he made a couple of very important points that go to the intent of our legislation.

I ask unanimous consent to have the letter printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. WEBB. He writes:

> . . . the Office of the New York Attorney General has been conducting an inquiry into various aspects of executive compensation at many of our nation's largest financial institutions . . . [including] a review of compensation practices at the 2008 TARP-recipient banks.

He makes a very valid point at the end of his letter. And here, he is writing to a company that had paid back the initial TARP money.

He writes:

> . . . when you received TARP funding, your firm took on a new responsibility to taxpayers. While your firm has now paid the TARP money back——

Again, not all have; most of the money has not been paid back——

> it is not clear that your firm would have been in the same position now had you not received that TARP money.

We have all struggled with this issue. There have been many different approaches. In fact, Chairman BAUCUS has been out front on this issue in a number of different ways. I have in front of me the Compensation Fairness Act of 2009, which Chairman BAUCUS introduced last March, which was one attempt to address this issue of windfall profits bonuses. This legislation was sponsored by Senators GRASSLEY, SCHUMER, MENENDEZ, and others. Our bill is much narrower than this bill. This bill would tax bonuses of more than $50,000. Our bill taxes bonuses of more than $400,000. This bill would have taxed institutions that received more than $1 million. Ours requires $5 billion. This bill was retroactive and recurring in terms of the taxes. Ours is a one-shot, just on this 2009 amount of money that came in as a result or the benefits that came in as a result of our taxpayers stepping forward and putting $700 billion into the TARP program. Senator BROWN of Ohio has introduced legislation that would put a windfall profits tax on any bonus higher than $25,000.

Our amendment was inspired and designed based on a couple of previous writings and pieces of legislation, the first being the Baucus legislation, which was the starting point for it. The other was, I think, a very powerful article written in the Financial Times—one of the most conservative economic newspapers in the world—last November, by Martin Wolf. I am going to read some excerpts from this article. First, he said:

> Windfall taxes are a ghastly idea. . . . So why do I now find the idea of a windfall tax on banks so appealing? Well, this time, it does look different.
>
> First, all the institutions making exceptional profits do so because they are beneficiaries of unlimited state insurance for themselves and their counterparts. . . .
>
> Second, the profits being made today are in large part the fruit of the free money provided by the central bank, an arm of the state. . . .
>
> Third, the case for generous subventions is to restore the financial system—and so the economy—to health. It is not to enrich bankers. . . .
>
> Fourth, ordinary people can accept that risk takers receive huge rewards. But such rewards for those who have been rescued by the state and bear substantial responsibility for the crisis are surely intolerable. . . .
>
> Fifth. . . .''Windfall'' support should be matched by windfall taxes.

His proposal, which inspired the specifics of our amendment, was that there could be a ''one-off windfall tax on bonuses,'' a one-time windfall tax

on bonuses to equal the playing field in terms of this unique situation our country found itself in.

I wish to say to my fellow Members and to other people who are doing the hard work of keeping our economy strong, I respect what it takes to take on risk and get a reward. I respect the entrepreneurship that has strengthened our country throughout its history. But we also need to remember the working people in this country strongly and rightly believe they have borne the brunt of this economic crisis, and they just as strongly and rightly believe they are becoming the last to be rewarded, as we begin to recover from it.

Our taxpayers, our working people, rescued a financial system that was on the verge of collapse because of massive acts of bad judgment by the very companies that are now reaping huge bonuses from the government's intervention. It is not too much to ask those who have been fully compensated, and who have received in excess of a $400,000 bonus on top of their compensation, that they pay a one-time tax and share that excess on top of their $400,000 bonus in order to help make their rescuers a little more secure.

Mr. President, I yield the floor.

EXHIBIT 1

STATE OF NEW YORK,
OFFICE OF THE ATTORNEY GENERAL,
New York, NY, Jan. 11, 2010.

Re executive compensation investigation.

BANK OF AMERICA CORP.,
New York, NY.

DEAR MR. LIMAN: As you know, the Office of the New York Attorney General has been conducting an inquiry into various aspects of executive compensation at many of our nation's largest financial institutions. Our inquiry has included a review of compensation practices at the original 2008 TARP-recipient banks.

Last year, this Office conducted a review of bonuses to allow the public, and the industry, an opportunity to review all relevant information concerning compensation practices. This year, both the amount of bonus packages and the construction of such packages is relevant information to our inquiry.

Pursuant to our ongoing inquiry, please provide this Office with a detailed accounting regarding executive compensation at your firm for 2009. In particular. it is vital that you immediately provide us with any and all information concerning your firm's bonus pool and distribution information for the 2009 year.

In particular, please provide this Office with the following information:

1. A description of all bonus pools for 2009, including a description of the process by which the pools were or will be established.

2. A description of your bonus program to include cash, stock and other incentive breakdowns, vesting periods, clawback provisions, and any other provisions to tie compensation to performance and/or the long-term health of your firm, as well as a description of how the 2009 bonus structures differ from 2008.

3. A description of the process by which the bonus pools were or will be allocated and distributed, including any documents reflecting discussion of the allocation and distribution process and the justification thereof.

4. A description of how, if at all, the calculation and plans for allocation of the bonus pools have changed as a result of your firm's receipt of TARP funds and/or your firm's repayment of TARP funds.

5. For the years 2007, 2008, and 2009, a description of the bonuses awarded to employees receiving more than $250,000 in compensation. For this request, please include the allocation between cash and non-cash compensation and please provide a listing by amount of the 200 top bonuses awarded by your firm.

6. For 2009, the total value of bonuses awarded;

7. A description of how your bonus pool would have been impacted had you not received TARP funding in 2008 and/or 2009.

8. A chart and description of your institution's rate and/or magnitude of lending over the last 3 years—2007, 2008, and 2009. Please also include the relevant sizes of the businesses to which there has been lending.

9. For 2009, the number of employees who received any bonus with a value equal to or greater than (i) $1 million, (ii) $2 million and (iii) $3 million. ''Bonus'' includes cash, deferred cash, equity, options, restricted stock, performance or time vesting stock and performance priced options, restricted stock units, restricted stock award, stock appreciation right or any similar type of grant or award. Please include for each bonus the cash and non-cash allocation.

10. Identify all compensation consultants retained as part of the 2009 compensation process.

11. The number of employees employed at your firm on December 31, 2009.

We have copied the Board of Directors on this letter because we believe they should be involved in the response to our requests as the firm's top management likely has a significant interest in the compensation issues raised by our requests.

As we informed your firm last year, when you received TARP funding, your firm took on a new responsibility to taxpayers. While your firm has now paid the TARP money back, it is not clear that your firm would have been in the same position now had you not received that TARP money. Accordingly, we also ask that the Board inform us of the policies, procedures, and protections the Board has instituted that will ensure Board review of all such company expenditures going forward.

As recent government actions have created new issues of public accountability and as private sector financial institutions are grappling with the consequences of these actions, we believe the need for full disclosure and transparency are essential and this reporting will assist in that effort.

We ask that you provide the requested information by February 8, 2010.

Very truly yours,

ANDREW M. CUOMO,
Attorney General of the State of New York.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time in all quorum calls prior to the vote at 2:30 p.m. be charged equally to both sides.

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

Mr. WEBB. 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. 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.

AMENDMENT NO. 3358

Mr. COBURN. Mr. President, I am going to spend a few minutes talking about an amendment I have, No. 3358, which has already been pending, but I think, first, it is important for us to know that last year we borrowed $4 billion a day in this country. Mr. President, 43 cents out of every $1 the country spent at the Federal level was borrowed.

What does that mean? What that means is that over the next 10 years we are going to be paying $4.5 trillion in interest on the additional $9.8 trillion we are projected to spend that we do not have.

It was less than 3 weeks ago that this body passed a statute. Here is what the statute said: If you do not have the money to spend, then you have to cut something if you are going to spend new money.

As of last night, in the 3 weeks since we passed that bill, this body has said: That does not count. Time out. We are going to spend $120 billion over the next 10 years, but we are not going to pay for it.

That is why when that bill came through, to tell America we were going to finally get some fiscal discipline, we, as a minority, voted against it, because we knew it was not true. As a matter of fact, one of our newer Members wanted to vote for it, as I had in the past when I first got here because I believed what it meant was real.

The fact is, the pay-go rules are a ruse. Pay-go means: American people, you pay, and we will go spend it. Even more than that: What you don't pay, we will go spend anyhow and we will charge it to your children and your grandchildren.

So this amendment I am proposing to be a part of this tax extenders plan would require three things. It would require the Secretary of the Senate to post on the Web site the following three things: the total amount of spending, both discretionary and mandatory, passed by the Senate that has not been paid for. We have this big hullabaloo saying we are going to pay for it and then as soon as the hard choices come of getting rid of something that is a lower priority, we will not do it; we just charge it on the credit card. So this amendment would require us to post on our Web site all the spending we are doing that wasn't paid for. In other words, we are not going to tell America one thing and do another without at least being transparent in knowing we are complicit in not following our own law we passed that said you have to do this.

The second thing it would require is the total amount of spending authorized in new legislation as scored by the CBO. Because what routinely happens here, and what I have been rejected on over the last 5½ years, is that if you want to start a new program that is well intended to help people, one of the things we ought to do is get rid of the ones that aren't helping people, the

ones that aren't efficient, the ones that are a lower priority. In other words, we ought to have to do what every American family has been doing for the last 2 or 3 years as we have gone through this economic constriction, which is make hard choices. They put priorities on things. The fact is, we are going to have $120 billion inside of 3 weeks that we refuse to prioritize. We are just going to spend another $120 billion.

Finally, the third component of what I am asking for in this amendment is for us to put on the Senate Web site any new government programs we create. What are the new programs we create? That is transparency.

So this amendment is not a gimmick. It is not to try to make people look bad; it is to try to make sure the American people know what we are doing and can see what we are doing. It is also to make sure the American people know when we say one thing and then do another. It is to make sure the American people can see that the Senate has passed $120 billion worth of unpaid-for programs that we, in fact, directly charged to the next two generations, after we have passed a pay-go rule saying we will never do this. It is about credibility. It is about character. It is about honor. It is about fessing up, if you don't have the courage to make hard choices.

So it is very simple. Some of my colleagues think it is a gimmick. I don't think it is a gimmick. It is about being transparent with the truth about our lack of courage to make hard choices.

Ultimately, what is going to happen is the world financial system is going to force us into making hard choices. We all know that is coming. We are going to have a $1.6 trillion deficit this year. Forty-five cents out of every dollar we spend we are going to borrow against our children. When does it stop? When do we start making the difficult choices we were sent to make?

So my hope is that my colleagues will support this amendment and we will, in fact, be honest and transparent with the American people about what we are doing and how we are doing it and how we don't even follow our own rules. There is a Senate rule on pay-go, a budget rule, but now there is a statute. What we have done is, we have conveniently voted in the Senate that we are not going to honor the statute, we are not going to make the hard choices, and we are going to go on and spend the future of the generations who follow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

NOMINATION OF WILLIAM CONLEY

Mr. KOHL. Mr. President, it is my pleasure to rise in support of William Conley's nomination to be district court judge for the Western District of Wisconsin. If confirmed, Mr. Conley will replace Judge Barbara Crabb, who is taking senior status after more than 30 years of distinguished service on the court.

Bill Conley will make an outstanding addition to the Federal bench. He rose from humble roots in the small town of Rice Lake, WI, to graduate with distinction from the University of Wisconsin. He went on to the law school at UW, graduating cum laude and Order of the Coif. Following law school, he clerked on the Seventh Circuit Court of Appeals for Judge Fairchild.

Bill Conley's career has prepared him well to be a Federal judge. He has practiced law for 25 years at the venerable Madison firm of Foley & Lardner. Throughout his career, he has earned a reputation as a skillful lawyer and top-notch litigator. He has represented a variety of national and international companies before State and Federal courts and has served as a mediator and arbitrator and helped parties resolve their disputes outside court.

One of Bill Conley's greatest strengths is his frequent representation of clients before the court to which he has been nominated. From this experience, he has gained a keen understanding of the court as well as the fairness and impartiality the administration of justice requires.

While managing a busy legal practice, Bill Conley has remained committed to using his legal talent for the benefit of the local community. He has devoted hundreds of hours to pro bono legal work, representing refugees, indigent defendants, and others who would otherwise not be able to afford legal representation. He has also been active with the Remington Center for Criminal Justice at the University of Wisconsin, as well as the Wisconsin Equal Justice Fund.

Despite the many hours his work demands, Bill Conley makes time for his family and is a devoted husband, father, brother, and son. In sum, he possesses all the best qualities we look for in a judge: legal acumen, diligence, humility, and integrity.

Bill Conley's nomination was the result of the work of the nonpartisan Wisconsin Federal Judicial Nominating Commission. For the past 30 years, Senators from Wisconsin, regardless of party, have used the Commission to select candidates for the Federal bench. This process ensures that a judge's qualifications are always our primary consideration and that politics are kept to a minimum.

Bill Conley's nomination proves, once again, that the process we use in Wisconsin ensures excellence. So it is no surprise that the American Bar Association found him to be ''unanimously well qualified'' and that the Judiciary Committee approved of his nomination without dissent.

When considering nominees for lifetime appointments for the Federal courts, we must satisfy ourselves that these nominees have substantial legal experience, are learned in the law, have the respect of their peers, and, most important of all, will be fair-minded and do justice without predisposition or bias. William Conley's experience and qualifications convince me he well exceeds these requirements.

I am confident Bill Conley will be a Federal judge we can be proud of and that he will serve the people of Wisconsin well.

Thank you very much. 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. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BARRASSO. Mr. President, I ask that I be allowed to speak as in morning business.

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

NOMINATION OF ARTHUR ELKINS

Mr. BARRASSO. Mr. President, I rise today because the Senate Committee on Environment and Public Works will soon be meeting to discuss the nomination of Mr. Arthur Elkins to be the inspector general at the Environmental Protection Agency. I support Mr. Elkins moving out of committee, and to date he has truthfully answered all the questions I posed to him. Before the full Senate votes, I do have some additional questions based on a report I am releasing today.

As ranking member of the Subcommittee on Oversight in the Senate Environment and Public Works Committee, I care a great deal about ensuring oversight over the agencies within our jurisdiction, the most important of which is the EPA. Over the last few months, the minority on the subcommittee has compiled a report. The report is entitled ''The Status of Oversight: A Year of Lost Oversight.'' This report details the severe lack of oversight by the majority of the committee and the administration.

When the majority created the Subcommittee on Oversight, it was stated that they planned ''to use the subcommittee to explore ways to restore scientific integrity in the EPA, and other Federal agencies focused on the environment, and to strengthen environmental protections by once again making the regulatory process more transparent.'' I agree. One year later, as my report details, there have only been two subcommittee hearings, and, as the report concludes, ''The result of this is that the majority has let a year go by where they have failed to pursue their stated goals.''

Over the last year, my colleagues and I have requested a series of investigations and hearings into key matters related to whistleblowers being silenced, data being manipulated, and shadow czars holding meetings where nothing is put into writing to avoid Freedom of Information Act requests. We have asked for these hearings and investigations because we believe the public needs to have trust in their government.

At the beginning of this administration, Environmental Protection Agency Administrator Lisa Jackson herself stated unequivocally: ''The success of our environmental efforts depends on our earning and maintaining the trust of the public we serve.''

As this report demonstrates, this administration and the majority have shown little interest in pursuing these matters. Let me read to you the findings and recommendations of the report: In 2009, the Senate Environment and Public Works Committee majority chose not to conduct oversight over the relevant agencies within the executive branch. The lack of any oversight over the activities of the Federal agencies weakens the system of checks and balances and invites the potential for larger abuses. Action must be taken to investigate oversight issues from the last year, and further coordination within the committee regarding the oversight jurisdiction and responsibility is needed.

I believe that finally receiving a nominee for inspector general at EPA gives the public another opportunity to get to the truth about the issues raised in this report.

In his answers to my questions to date, Mr. Elkins has signaled that he is absolutely willing to chart a new course from where this administration and the majority have taken us.

When I asked: Do you believe it is the responsibility of the EPA inspector general to investigate instances where whistleblowers are silenced by their superiors at the Agency, he said yes.

When I asked: Will you pursue those instances, he said yes.

When I asked: Do you believe it is the responsibility of the EPA inspector general to investigate and report instances where scientific procedures at EPA are circumvented, he said yes.

When I asked: Will you investigate instances where agency employees are smeared publicly in the press by higher-ups in an agency or in the administration simply for providing their best advice and counsel, he said yes.

All of these things are not hypotheticals; they all occurred over the last year. My colleagues and I in the minority have asked for investigations into each of these instances by the majority and the administration. The response we have received each time has been a resounding no.

If the administration and the majority refuse to provide proper oversight, then someone else has to. That is why I plan to share this oversight report with Mr. Elkins, the nominee to be inspector general at the EPA. Before a floor vote, I will seek confirmation that he will give the matters I raise in this report due consideration. I am confident based on his response so far that he will answer in the affirmative. If so, we will have the sea change at the EPA that will restore the public's confidence in that Agency.

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

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BARRASSO. I will.

AMENDMENT NO. 3382

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3382 offered by the Senator from Michigan, Ms. STABENOW.

Ms. STABENOW. Mr. President, I am pleased to speak on behalf of this amendment which was cosponsored by Senators HATCH, SCHUMER, CRAPO, SNOWE, SHERROD BROWN, ENZI, RISCH, and COLLINS.

This focuses on companies that continue to face significant challenges in raising capital for new investments. It would allow struggling companies that do not benefit from other incentives, such as the NOL carryback and others, to utilize existing AMT credits based on new investments they make in this year for equipment and so on to create jobs.

It encourages companies to invest and to allow companies to be able to receive a badly needed source of capital. This is very important for companies that will be in a position where they are not making a profit but are continuing to invest, to maintain their workforce, or grow their workforce, and need to be able to have a source of capital.

This is dollars they would be receiving at some point anyway, because when they become profitable, they are able to use the credits. We are going to allow them to use a portion, just 10 percent of those credits, to be able to invest in equipment——

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

Ms. STABENOW. And facilities to create jobs here.

I want to thank many businesses: the U.S. Chamber, the National Association of Manufacturers, the Association of Manufacturing Technology, the Equipment Manufacturers, Motor and Equipment Manufacturers, and many businesses that are in America working to make things, to bring back jobs. This is on behalf of all of them, and I would ask colleagues for their support.

The PRESIDING OFFICER. Who yields time in opposition?

Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3382) was agreed to.

AMENDMENT NO. 3391

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote in relation to amendment No. 3391, offered by the Senator from Massachusetts, Mr. BROWN.

Mr. BAUCUS. 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. BROWN of Massachusetts. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN of Massachusetts. Mr. President, providing immediate across-the-board tax relief to working families is not complicated economic policy. It is simple and makes economic sense. Under my plan, almost 130 million workers will receive immediate and direct tax relief. If we took the estimated $80 billion in unobligated stimulus accounts today, money that is sitting there unused, in what I consider a stimulus slush fund, and gave it back to the American people, our workers could see their payroll taxes lowered by nearly $100 per month, saving them more than $500 over a 6-month period, and working couples could receive a tax cut worth more than $1,000.

This has been done before. JFK and Ronald Reagan called for across-the-board tax cuts to stimulate the economy and we can do that now. I moved last week for a bipartisan effort to get Washington working again. I reached out across party lines and made a sincere effort to stop business as usual to get the jobs done that the American people are demanding.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, as a former President used to say, ''There they go again.'' There they go again trying to cut back the Recovery Act. There they go again trying to scale back what CBO says is a proven success in creating jobs. They tried it with the Bunning amendment Tuesday, they tried it with the Thune amendment yesterday, they tried it with the Bunning amendment yesterday, they tried it with the Burr amendment yesterday. Each time the Senate rejected their attempt to raid the Recovery Act, and we should do the same again today.

The nonpartisan Congressional Budget Office said the Recovery Act created between 1 and 3 million full-time equivalent jobs. That is real job creation. Now is not the time to be scaling back job creation. I urge that we do not adopt this amendment.

I raise a point of order against section 103(d) of the pending amendment pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010.

Mr. BROWN of Massachusetts. I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—44

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lincoln
Bayh	Dodd	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kerry	Wicker
Cornyn	Kyl	

NAYS—56

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

The PRESIDING OFFICER (Mr. FRANKEN). On this vote, the yeas are 44, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the emergency designation is removed.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I raise a point of order that the pending Brown amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The point of order is sustained and the amendment falls.

AMENDMENT NO. 3389

Mr. BAUCUS. Mr. President, I believe the next amendment is the Burr amendment.

The PRESIDING OFFICER. Yes, there are now 2 minutes evenly divided before a vote with respect to the Burr amendment.

The Senator from North Carolina.

Mr. BURR. Mr. President, I will be very brief, and we can get on with this.

My amendment is very simple. In the spirit of trying to restart this economy, get Americans back to work, what this amendment does is create a 10-day tax holiday. It is voluntary for any State that wants to participate. It would start 30 days after enactment on the first Friday so that we incorporate two weekends of sales.

We introduced this in 2001 to handle the economic downturn. States do it every year for back-to-school time. It is proven to generate retail activity. Right now we need a shock and awe to this economy if we want to get Americans back to work.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, as Yogi Berra once said: ''It's deja vu all over again.'' That is where we are. We have had this amendment—not this precise amendment but many similar to it—many times, taking Recovery Act funds out.

Just to remind my colleagues, CBO says there are 1 million to 3 million jobs the stimulus bill has created. There is more yet in the recovery package to continue to create more jobs. Now is not the time to cut back on a proven job creator. Therefore, I urge that we do not adopt this amendment.

Mr. President, I raise a point of order that the pending Burr amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 22, nays 78, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—22

Bennett	Graham	McCain
Bond	Grassley	McConnell
Brown (MA)	Hatch	Murkowski
Bunning	Inhofe	Snowe
Burr	Isakson	Thune
Chambliss	Johanns	Vitter
Coburn	LeMieux	
Collins	Lugar	

NAYS—78

Akaka	Durbin	Menendez
Alexander	Ensign	Merkley
Barrasso	Enzi	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (NE)
Begich	Franken	Nelson (FL)
Bennet	Gillibrand	Pryor
Bingaman	Gregg	Reed
Boxer	Hagan	Reid
Brown (OH)	Harkin	Risch
Brownback	Hutchison	Roberts
Burris	Inouye	Rockefeller
Byrd	Johnson	Sanders
Cantwell	Kaufman	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Cochran	Kyl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Tester
Cornyn	Leahy	Udall (CO)
Crapo	Levin	Udall (NM)
DeMint	Lieberman	Voinovich
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
		Whitehouse
		Wicker
		Wyden

The PRESIDING OFFICER. On this vote, the yeas are 22, the nays are 78. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained. The amendment falls.

AMENDMENT NO. 3337

There is now 2 minutes, evenly divided, on the Sessions amendment.

The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, this amendment is one of those opportunities where we get to walk the walk. There is an awful lot of talk about how we have to do something about spending. There is a lot of misinformation out there about this amendment.

First of all, it exempts emergencies. It exempts mandatory spending, such as UI and COBRA. It exempts our wars. It exempts emergency spending. It is less aggressive than the President's spending freeze that he has laid out for next year. It does not apply until the next fiscal year.

This is the moment we can walk the walk instead of just talking the talk and show the American people we get it. Two percent is not unreasonable in terms of increases every year when we look at the pile of debt we have to deal with in the coming decades.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, this amendment says one thing and does another. It says it will help control Federal spending, but it leaves mandatory spending off the table when that is the area of rampant growth over the past decade.

It also circumvents the Deficit Reduction Commission, which was created a few days ago to look at both spending and revenues by prematurely cutting discretionary spending, and it may require the Appropriations Committee to cut more than $100 billion from national defense.

I urge my colleagues to once again reject this amendment.

Mr. President, the pending amendment deals with matters within the Budget Committee jurisdiction. Accordingly, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the statutory Pay-As-You-Go

Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—59

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Grassley	Pryor
Bennett	Gregg	Risch
Bond	Hagan	Roberts
Brown (MA)	Hatch	Sessions
Brownback	Hutchison	Shaheen
Bunning	Inhofe	Shelby
Burr	Isakson	Snowe
Cantwell	Johanns	Tester
Carper	Klobuchar	Thune
Chambliss	Kyl	Udall (CO)
Coburn	LeMieux	Vitter
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Corker	Lugar	Webb
Cornyn	McCain	Wicker
Crapo	McCaskill	

NAYS—41

Akaka	Feinstein	Merkley
Baucus	Franken	Mikulski
Bingaman	Gillibrand	Murray
Boxer	Harkin	Reed
Brown (OH)	Inouye	Reid
Burris	Johnson	Rockefeller
Byrd	Kaufman	Sanders
Cardin	Kerry	Schumer
Casey	Kohl	Specter
Conrad	Landrieu	Stabenow
Dodd	Lautenberg	Udall (NM)
Dorgan	Leahy	Whitehouse
Durbin	Levin	Wyden
Feingold	Menendez	

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

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

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

EXECUTIVE SESSION

NOMINATION OF WILLIAM M. CONLEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider the following nomination:

The assistant legislative clerk read the nomination of William M. Conley, of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 43 Ex.]

YEAS—99

Akaka	Ensign	McConnell
Alexander	Enzi	Menendez
Barrasso	Feingold	Merkley
Baucus	Feinstein	Mikulski
Bayh	Franken	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown (MA)	Hatch	Risch
Brown (OH)	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burris	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	LeMieux	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Crapo	Lincoln	Webb
DeMint	Lugar	Whitehouse
Dodd	McCain	Wicker
Durbin	McCaskill	Wyden

NOT VOTING—1

Dorgan

The nomination was confirmed.

Mr. LEAHY. Madam President, the Senate has finally taken action on the nomination of Judge William Conley to be a U.S. district court judge in the Western District of Wisconsin. Judge Conley was reported by the Senate Judiciary Committee without objection last year, on December 10. That is almost 3 months ago. He has waited for this day for some time.

I had hoped that Mr. Conley's confirmation process would resemble those of Judge Christina Reiss of Vermont and Judge Abdul Kallon of Alabama. Those nominees received relatively prompt consideration by the Senate, and they should serve as a model for Senate action. Sadly, they are the exception rather than the rule. They show what the Senate could do, but does not. Time and again, noncontroversial nominees are delayed.

The Senate is far behind where we should be in helping to fill judicial vacancies. Vacancies have skyrocketed to more than 100 and more have been announced. We need to do better. The American people deserve better.

As with so many other nominations before the Senate, Judge Conley has waited an extraordinary amount of time to be confirmed. Instead of time agreements and the will of the majority, the Senate is faced with delays by Senate Republicans. Earlier this week we had to overcome Republican objection and a filibuster to obtain a vote on the nomination of Judge Barbara Keenan. She, too, was confirmed unanimously, 99 to zero. Yet Republicans would not agree to schedule a vote on her nomination. She was forced to wait four months after being reported by the Senate Judiciary Committee, and the Senate was required to end the Republican filibuster.

In addition to Judge Keenan and Judge Conley, there are 17 additional judicial nominations on the Senate Executive Calendar, all of which have been considered and favorably reported by the Senate Judiciary Committee. Thirteen of those judicial nominations received unanimous or strong bipartisan support in the Judiciary Committee. They should all be considered without further delay. Debate and votes should be scheduled on all of the judicial nominees being stalled. Those opposed by a minority should be debated and then receive a vote.

Only 16 Federal circuit and district court judges have been considered by the Senate so far during President Obama's 13 months in office. By this date during President Bush's first term, the Senate had confirmed 39 judicial nominees.

I remain very concerned about the new standard the Republican minority is applying to many of President Obama's district court nominees. Democrats never used this standard with President Bush's nominees, whether we were in the majority or the minority. In 8 years, the Judiciary Committee reported only a single Bush district court nomination by a party-line vote. That was the nomination of Leon Holmes, who was opposed not because of some litmus test, but because of his strident, intemperate, and insensitive public statements over the years. During President Obama's short time in office, not one, not two, but three district court nominees have been reported on a party-line vote. I hope this new standard does not become the rule for Senate Republicans.

In December, I made several statements in this chamber about the need for progress on the nominees reported by the Senate Judiciary Committee. I also spoke repeatedly to Senate leaders on both sides of the aisle and made the following proposal: Agree to immediate votes on those judicial nominees that are reported by the Senate Judiciary Committee without dissent, and agree to time agreements to debate and vote on the others. I reiterated my proposal earlier this week and do so, again, now: I urge Senate Republicans to reconsider their strategy of obstruction and allow prompt consideration of all 18 judicial nominees currently awaiting final Senate consideration. There is no need for these nominations to be dragged out week after week, month after month.

After 3 months of delay, today we finally considered the nomination of William Conley. Mr. Conley is a partner in the Madison, WI, office of Foley and Lardner, where he is widely recognized as a top antitrust and appellate lawyer. He has represented clients before the U.S. Supreme Court, the Wisconsin Supreme Court, and the Seventh Circuit, among others. Mr. Conley attended the University of Wisconsin, where he earned his B.A. and J.D. with honors. Mr. Conley also served as a law clerk for Judge Thomas Fairchild on the Seventh Circuit. I congratulate Judge Conley on his confirmation today. I look forward to the time when the 17 additional judicial nominees being stalled are released from the holds and objections that are preventing votes on them and their confirmations.

I, again, urge Senate Republicans to reconsider their strategy and allow prompt consideration of all 18 judicial nominees awaiting Senate consideration, not just William Conley of Wisconsin but also the following nominees: Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Justice Rogeriee Thompson of Rhode Island, nominated to the First Circuit; Judge James Wynn of North Carolina, nominated to the Fourth Circuit; Judge Albert Diaz of North Carolina, nominated to the Fourth Circuit; Judge Edward Chen, nominated to the Northern District of California; and Justice Louis Butler, nominated to the Western District of Wisconsin; Nancy Freudenthal, nominated to the District of Wyoming; Denzil Marshall, nominated to the Eastern District of Arkansas; Benita Pearson, nominated to the Northern District of Ohio; Timothy Black, nominated to the Southern District of Ohio; Gloria M. Navarro, nominated to the District of Nevada; Audrey G. Fleissig, nominated to the Eastern District of Missouri; Lucy H. Koh, nominated to the Northern District of California; Jon E. DeGuilio, nominated to the Northern District of Indiana; and Tanya Walton Pratt, nominated to the Southern District of Indiana.

The PRESIDING OFFICER. A motion to reconsider is considered made and laid on the table. The President shall be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate returns to legislative session.

The Senator from New Hampshire.

TAX EXTENDERS ACT OF 2009—Continued

Mr. GREGG. Madam President, I understand the Senator from Illinois is planning to speak. I wish to speak after he completes his remarks. I ask unanimous consent he be recognized and then I be recognized.

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

Mr. BURRIS. Madam President, after I speak I ask unanimous consent that the Senator from Delaware be able to speak for a period of time.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. The Senator is speaking after me?

Mr. BURRIS. Yes, after the Senator from New Hampshire.

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

AMENDMENT NO. 3388

Mr. BURRIS. Madam President, I rise to speak on H.R. 4213. One amendment has already been dropped. I do plan to submit a second amendment. This amendment is dealing with the Recovery Act funds.

During my three terms as State comptroller of Illinois, I worked very hard to maintain accountability for the money we spent from our State. I have been contacted by my State officials, the various auditors, comptrollers, and treasurers, to say the stimulus money that is coming into the States is coming in and they have no funds to do all this transparency and accountability. I put an amendment on this bill to say that we should. I filed amendment No. 3388 which addresses currently underfunding the costs of tracking and reporting the stimulus money.

This measure would set aside up to one half of 1 percent of all existing stimulus funds and allow States and local governments to use this administrative expense reserve to distribute and track this money as it is received and spent. It would allow the American people to hold their representatives accountable and it would help ensure that every dollar is targeted effectively and spent wisely, without waste, fraud, or abuse.

Agreeing to this amendment will restore oversight to this process and will keep Americans on the road to economic recovery without incurring a dime of new spending.

In addition to restoring accountability, I believe we need to take an active role—as my second amendment would do, which I have not dropped yet; it is coming, though. It would deal with small businesses. I believe we should take an active role in supporting small and minority businesses because Main Street will be the engine of the American economic recovery. That is where jobs will be created. That is where the rubber meets the road—where we can turn this crisis around. That is why I am proud to offer another amendment which will require the Transportation Security Administration, the TSA, to award contracts to small businesses and disadvantaged businesses wherever and whenever possible. This amendment would ensure compliance with existing standards of government contracts and subcontracts and would keep dollars flowing into real communities rather than to the corporate treasuries.

By strengthening reporting standards and forcing participation goals for TSA projects, we can target Federal spending to the capable worker who has always been at the center of the American economic prosperity.

We are also saying we need these two amendments. They will strengthen and improve upon the key provisions of our jobs bill as well. I ask my friends in this Chamber to join me in renewing our commitment to transparency, honesty, and accountability. I ask them to stand for small businesses and minority subcontractors so we can make sure Main Street has a major share of our ongoing economic recovery.

The issue is the amendment to H.R. 4213 which would be the amendment No. 3388, and also the other amendment I am getting ready to drop which will deal with small and minority businesses.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to go over, for the sake of the record and also for those people who may be listening and may be reading this dialog, where we stand relative to the health care debate. I think it is important for people to understand what has happened. There has been a lot of talk about a lot of different things, with reconciliation, the term ''reconciliation'' taking a front row seat.

What is happening here essentially is this. The House of Representatives is going to have to make a decision whether they want to pass the bill that passed here in the Senate. Remember, the bill that passed here in the Senate was a bill that was produced and delivered to the Senate on a Saturday afternoon, for all intents and purposes—the core of the bill, the managers' amendment. No amendments were allowed after that Saturday afternoon and a final vote was taken 3 days later on Christmas Eve.

It was a bill that expanded the size of the government by $2.5 trillion, when fully implemented. It was a bill that reduced Medicare by $1 trillion when fully implemented and was scored at $500 billion in the first 10-year tranche, by $1 trillion when fully implemented, and took those savings from Medicare, from Medicare recipients, and used them to fund a brandnew entitlement which had nothing to do with Medicare, it didn't involve the people who receive Medicare, and to extend dramatically an already existing entitlement called Medicaid.

It was a bill that basically said to small employers we are going to make it so darned expensive for you to keep the insurance you presently give to your employees that a lot of you are going to decide to throw up your hands, stop insuring your employees and send your employees down the street to something called an exchange. It was a bill that basically set up a structure

which would manage, in a very micromanaged way, the delivery of health care in this country from a top-down situation so essentially it put a bureaucrat between you and your doctor and you and your hospital.

It was a bill which was going to create so much new spending and grow the Government so much that we would now have, after this bill is fully implemented, the largest government, as a percentage of our gross national product, we have ever had at any time when we have not been engaged in a world war. Think about that. That bill takes the size of our government and grows it from its historic level, which is about 20 percent of GDP, up to around 25, 26, 27 percent of GDP when it is fully implemented. Most of that, although allegedly paid for—those paid-fors will never come to fruition because we know this Congress doesn't have the courage to stand up and raise taxes at those levels or cut spending at those levels. So most of that, in my opinion—and granted, this wasn't CBO's score because they had to take the statements as though Congress would do something such as cut Medicare by $1 trillion—most of those pay-fors would not come to fruition and therefore this would fall on the deficit and become debt our children would have to pay off.

In addition, it did nothing, absolutely nothing, about reducing the cost of health care in this country. In fact—again according to CBO—the cost of health care went straight up under this bill. A lot of Americans, also under this bill, would still not be insured because the estimate was 24 million, I believe, would still have no insurance, even after we had spent $2.5 trillion.

So this bill, in my opinion, was and is and remains a disaster from a fiscal standpoint, because it will so massively expand the size of the Federal Government and throw those costs onto our children's backs in the form of debt; and from a health care standpoint, because it will undermine, in my opinion, the delivery of health care. But more important, it doesn't do anything substantively to bend the outyear health care costs.

So now this bill, this giant bill on health care, this asteroid headed toward Earth, is sitting in the House of Representatives. They do not have the votes to pass it. Why? Because the American people have spoken. They spoke when they elected SCOTT BROWN in Massachusetts, they have spoken in polls across the country, and they have spoken in town meetings. They have spoken in letters to Senators and e-mails to Senators and House Members.

They are upset. They know this is bad policy. They know we cannot afford it, and they know we should not do it. So there are a lot of House Members who are a little queasy about voting for this bill. So what does the administration come up with and the House leadership, Speaker PELOSI? They have come up with this sidecar to this huge bill, and this sidecar is called reconciliation. It is a littler bill.

What is the purpose of this bill? The purpose of this bill is to go around to the different constituencies in the House, the different liberal constituencies in the House, ask them what they need to get their vote for the big bill, and then put it in this little bill. It is a purchasing process. It is a going-out-and-buying-votes process done behind closed doors, as this bill was.

This bill was designed in a back room. The big bill was designed in a back room. This is a back room, behind the back room, behind a hidden door, where they are negotiating with all of these folks: What do I need to do to get you to vote for this big bill, which nobody wants?

Someone says: Well, you have to spend more money, so they put in something that spends more money, or you have to raise taxes on somebody, so they put in a tax increase, or you have to change the benefit structure, so they change the benefit structure. They put all of these little changes, which are fairly significant but are nothing compared to the bigger bill, in this smaller bill called reconciliation.

Why did they choose that bill called reconciliation to do this—or why will they? Because under the Senate rules anything that comes across the floor of the Senate requires 60 votes to pass. It is called the filibuster. That is the way the Senate was structured.

The Senate was structured to be the place where bills which rushed through the House because they do not have rules that limit—they do have a lot of rules that limit debate and allow people to pass bills quickly, but they do not have any rule called the filibuster which allows people to slow things down.

Bills can rush through the House, and they come over here. Sometimes they are pretty bad ideas, and the Founding Fathers realized when they structured this government they wanted checks and balances. They do not want things being rushed through. They had seen the parliamentary system. They knew it did not work.

So they set up the Senate as the place, as George Washington described it, where you take the hot coffee out of the cup and you pour it into the saucer and you let it cool a little bit and make people look at it and make sure it is done correctly. So that is why we have the 60-vote situation over here to require that things that pass the Senate get thoughtful consideration.

Unfortunately, it was totally ignored—the 60 votes were not because 60 votes were used to override thoughtful consideration. But when the big bill was passed, it was done in a way that basically limited the ability of the Senate to debate it and to amend it.

But now they know they cannot go through that route again because they know there is no longer 60 votes on the other side of the aisle with the election of Senator BROWN, who was elected, in large part, because of people's outrage over what happened when they basically tried to jam the Senate, or did jam the Senate procedure, and did not allow amendments, did not allow a debate on the biggest piece of social policy and fiscal legislation in history—in my experience, in the history of my experience in the Congress, the big bill.

When they jammed us, jammed that thing through here on Christmas Eve, the American people got outraged. Senator BROWN made that point. As a result, people agreed with him in Massachusetts, and they elected him. So there are no longer 60 votes on that side of the aisle. They cannot use that railroad approach. So they decided to go back to an arcane Senate procedure called reconciliation and use that approach.

Under reconciliation, which is a Senate process, that is the only bill around here, the budget and reconciliation, that has the right to pass with 51 votes and a time limit on debate, and basically a time limit on debatable amendments, although not on amendments generally.

So this reconciliation is a hybrid vehicle in the Senate. And what is it? Well, reconciliation was structured so that when a budget passed the Senate, there would be a way for the Budget Committee to say to the committees that were supposed to adjust spending or adjust taxes in a way to meet the budget that they had to do it. So if your budget was coming out $10, $20, or $30 billion over where it was supposed to be, the reconciliation structure would say: Change the law to bring it back to where it is supposed to be.

It has been used around here on numerous occasions. I think 19 times reconciliation has been used since the Budget Act instituted reconciliation in 1976. But it has always been used for the purposes of adjusting issues which either, A, were bipartisan, or, B, were pretty much purely issues of adjusting numbers, numbers on the tax side, numbers on the spending side.

So of the 19 times that reconciliation has been used, every time except two times, reconciliation has been a bipartisan bill. Twice it was not bipartisan. Twice it was run through here on a partisan vote: once on the tax increases that President Clinton passed, and once on a reconciliation bill dealing with adjusting spending. I believe it was in 1985; otherwise, there has always been a bipartisan vote for the bill. So 89 percent of the time it has been bipartisan. It has always been, when it has been partisan, used for the purpose of making these numbers adjustments, not for the purpose of creating massive new policy that affects every American in very personal ways in the way they deal with their doctors and their hospitals and their health care treatment.

It was never conceived as a concept where the real legislation involving substantive issues of policies would be done. Tax rate adjustments have occurred under it. Absolutely. But when

you move tax rates from 39 to 35 percent, as the Bush tax cuts did, or tax capital gains from 20—I think they went from 25 percent to 15 percent—that is not a complex issue. That is just, you know, taxes are either going to go up or go down. It takes about 100 pages of actual legislative language. Everybody knows the issue. It is an up-or-down vote. Pretty clear.

In fact, in these instances, there were opposing positions presented, and in those issues, there was actually more than one—people of both parties voted for them. That is not like passing an entire rewrite of the health care system of America.

The health care system is 17 percent of our economy, one of the most complex issues we have to deal with. You pull a string over here, and a string 10,000 miles away is affected. It is just a matrix of exceptionally complicated interrelated issues with all sorts of policy language that is necessary.

So reconciliation was never conceived of, and its purpose was never to take on big policy like that. Big policy is supposed to be taken on the floor of the Senate in an open procedure where there is debate and there is amendments, and the amendments are debatable.

So reconciliation is certainly not the appropriate vehicle to use. But I think the point I am trying to make is that reconciliation is not the real game. I mean, after the House of Representatives—after they have gone around with this reconciliation bill and they bought up the votes they need and said to these people: Well, we will just fix that in reconciliation if you will just vote for the big bill—after that has happened and the big bill has passed, this $2.5 trillion monstrosity in spending and government dominance of the health care sector, after that is passed, the game is over. That is the law. I do not think there will be much incentive at all for the White House or my colleagues on the other side of the aisle to take up reconciliation. There certainly will not be any energy needed to pass it.

Because this big bill, which America basically rejects—every poll in America says it has a maximum of about 25 percent approval of that bill and somewhere around 60 to 70 percent disapproval, at different levels, ''strongly'' or ''fairly strongly''—that bill will have become law, and basically what we will have done, or what will have occurred, then, is we will have created a government program that is so large and so burdensome that it is very unlikely that this country will be able to pay for it. As we move into the outyears, our children are going to get these bills. In order to pay those bills, they are either going to have to have a massive event of inflation to pay for them or a massive tax increase. Either one of those events, of course, undermine the quality of life and the standard of living of the next generation.

In addition, of course, we are going to get a health care system which has become basically a ward of the government, for all intents and purposes, for the bureaucracy that is very dominant and that makes it very difficult for citizens to have the choices they need to develop a health care delivery system that is tailored to their needs.

A lot of small businesses will just simply give up on the idea of supplying health care. We also know, of course, that the health care prices will not come down but will continue to go up. So this is a really dangerous time. It is a time when the House of Representatives has to take a hard look at what actions it is going to take, obviously, and I am sure they will.

But they have to recognize that voting for that big bill and hoping that the Senate will bail them out with a little bill—well, I would take a second look at that. First, it will be hard to run a reconciliation bill across this floor and have it end up with the way it started out because of all of the points of order that will be available against it.

But, secondly, I am not sure there will be all that much energy to do it to begin with because once you pass the big bill, those who want to essentially dramatically expand our government, and in the end nationalize the health care system with a single-payer approach, will be well on their road to accomplishing those things.

There is not going to be a whole lot of energy to do much else. So I think it is important to understand that as much as reconciliation is an interesting and entertaining point of topic for discussion around here as to whether it is appropriate and whether—which I do not think it is under this type of scenario—and whether the reconciliation bill will actually survive the challenging on this floor from points of order, that is an interesting issue too.

That is not the question. The question is, is reconciliation even relevant once the big bill passes? I think it is probably not. So if I were a House Member depending on reconciliation, looking to that bill as the way that I am going to justify voting for this bigger bill, which is such a disaster, I would think twice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

RECOVERY ACT SUCCESS

Mr. KAUFMAN. Madam President, it has been just over a year since I took office and since President Obama was sworn in. I think it is a good time and appropriate to reflect on just how far we have come. A year ago, the Presiding Officer and I came into office in the midst of the worst economic crisis since the Great Depression.

We had been spiraling deeper and deeper into recession for over a year. Almost three-quarters of a million jobs were lost in the month of January 2009 alone. Our credit markets were frozen, major edifices of our economic landscape had collapsed or were tottering on the brink, from Lehman Brothers to General Motors. Alarms were still ringing. Emergency policies were thrown in to the breach, things were bad, and there was no way to know how much worse they were going to get. We were on the precipice.

We could have fallen into the abyss, if not for the extraordinary actions we took. Those actions saved us from another full-blown depression. We are still not out of the woods, of course. Although we have had some good news recently, too many families, too many communities have been hit hard by job losses and falling home values. But we are nevertheless beginning to see evidence that we are finally turning the corner as a nation. While things are still not good, they are no longer getting worse and, in some areas, we have actually seen real improvement. I wish to share with my colleagues some of that evidence.

Here I have a chart showing the Dow Jones industrial average since October 2008. We all know it is not always the best indicator of economic health, but since the downturn was precipitated by turmoil in our financial markets, I will start with this.

As you can see, the market bottomed out just weeks after the Recovery Act was enacted, and it has been climbing ever since. The chart clearly shows we stopped the free-fall, we stabilized the market, and we are allowing it to grow again.

Here is another chart showing the Purchasing Managers Index. This is a survey of purchasing managers who report whether business conditions are better than, the same as or worse than the previous month. A score of 50 means no change, so anything over that should mean the economy is expanding. Anything below indicates the economy is shrinking. In this chart, it is clear business confidence plummeted in the fall of 2008. Only four times in the postwar period has this index fallen so low and never in the last quarter century. We can see it was not until March of last year, right after the Recovery Act took effect, that manufacturing confidence began to return. With other data, we know this occurred as businesses began rebuilding inventories, confident they had weathered the cash crisis of the winter.

This next chart shows our GDP growth over the last 3 years, from the beginning of 2007 to the end of last year, the last date for which we have good data. I have added a smoothing line to show the trajectory our economy has taken. As you can see, in 2008, the bottom fell out. It wasn't until last spring that we began to restore order. I will not pretend 6.3 percent growth for one quarter is good enough for me. Without jobs, it isn't. But it is clearly better than what was happening 12 months ago.

My last two charts, which address jobs, tell the most important tale. We know from past experience that job growth lags behind economic recovery. This chart shows how long that took in

previous postwar recessions. In every single postwar recession, jobs have lagged the economic recovery, whether it is 1 month in July 1908 or 22 months in November 2001 and everything in between.

There is a reason for this. Businesses need to use up their existing capacity, and they need to feel confident in the economic climate before they start expanding again. This process can be especially painful following a financial collapse, where businesses and households are forced to pare down their savings and reduce their spending. By doing that, they tamp down economic recovery, reduce spending, and that is why jobs have been slower to return than anyone would like. Also remember, if you are running a company and you have laid off people, that is a very traumatic experience. You don't want to do that again. The worst situation of all is to start hiring people back and then have to lay them off again. Businesspeople, especially those who care, don't want to hire people back until they are sure they can offer them a job they can keep. Can you imagine putting somebody through this twice?

It is important to remember this lag. Economists suggest we may be around 8 months into economic recovery, and the jobs are coming. We are 8 months into economic recovery, and the jobs are coming. While the record of recent recoveries is a sobering one, the last chart I have shows the beginning of our good news. With announcements over recent weeks, we have seen that unemployment is stabilized and may even be turning around. We have staunched the bleeding. All those charts show things started picking up right after we passed the stimulus bill.

That is not the only thing we did. There were extraordinary efforts to stabilize the financial sector through direct assistance and low interest rates. But passage of the Recovery Act marked the beginning of the turnaround. That is indisputable, looking at the data. Passage of the Recovery Act marked the beginning of the economic turnaround. We cannot be satisfied until we have all our jobs back, until our economy is working for everyone. But one thing we know for sure is that without the Recovery Act, we would be a lot worse off.

I wish to stress, this will not be a smooth path back to a healthy economy. There will be good days and bad days, good news and bad news. But these indicators show we have turned the corner, thanks in no small way to Recovery Act money that is still going out. Nationally, nearly 2 million jobs have been saved or created by activities funded by the Recovery Act. This is not something I alone am claiming. Economic experts from Moody's, CBO, Macroeconomic Advisers and more are telling the same story. But that is not all the Recovery Act has done. It has also given a helping hand to millions of Americans out of work by expanding and extending unemployment insurance. Meanwhile, 95 percent of working Americans benefited from tax relief. Under the Recovery Act, 95 percent of all working Americans benefited from the tax relief.

State and local governments received badly needed fiscal relief that allowed them to maintain essential services, including health coverage for millions of Americans, and retain workers which kept cops on the beat and teachers in the classroom. We will never know how bad the economy would have been if we had not acted. That is the nature of things. But the charts I have shown all tell the very same story, of an economic free-fall that has been slowed, stopped, and reversed.

Do any of my colleagues believe we would be in a better situation today without the Recovery Act? The timeline is clear. The data are clear. The Recovery Act is what brought the economy back.

The challenge we faced 1 year ago was a roughly $2 trillion hole in the economy. Consumer spending, fully two-thirds of the whole economy, was in free-fall. Failing to plug the gap would have continued the free-fall or, just as badly, condemned us to a lost decade similar to what Japan saw in the 1990s. During 1990s, the Japanese did not come back with a major effort such as the Recovery Act, and they had GDP level for a decade. You can imagine what that did to revenues, their deficit, and their jobs. That is what we would have been condemned with, if we had not gone with the Recovery Act.

Let's tell the truth about how we got here. It is absolutely essential to remember what the situation was 1 year ago when the administration came into office, not to go back and go over things that happened in the past but to make sure we don't do it again and to understand what caused this recession. The circumstances we inherited at the end of 8 years of the prior administration were the worst we have seen in generations. When the Bush administration came to office in 2001, the Federal budget was not only balanced, it was in surplus, in surplus to the tune of $236 billion, the largest surplus in half a century. Remember that. That was not that long ago. We were actually debating how quickly we were going to be free of debt as a country. We were on a path to financial independence, able to save for retirement of the baby boom generation, able to set aside something for a rainy day. That was only 10 years ago.

Tragically, that inheritance was squandered. Instead of a surplus of $710 billion that was projected in 2001 for last fiscal year, 2009, we wound up with a $1.6 trillion deficit. I hear my friends on the other side talk about deficits. This $1.6 trillion deficit didn't just develop. It came out of the policies of the last 8 years.

Two major factors account for the bulk of this reversal of fortune. First were the economic and budget policies of the last administration which gave no thought to paying for tax cuts or spending increases. We just had a debate about paying for the $10 billion for an employment extension. But we actually passed tax cuts, Medicare, other things that were never paid for that were hundreds of billions of dollars, not $10 billion, hundreds of billions. Tax cuts primarily for the wealthy and the wars in Iraq and Afghanistan together accounted for more than $500 billion of the 2009 deficit and $7.1 trillion over the next decade and none of it was paid for.

Second, we had the regulatory failures which permitted, even encouraged, the financial excesses that brought our markets down. They not only permitted it; they encouraged it. There was a feeling you didn't have to do any kind of regulation, only self-regulation. Alan Greenspan himself said he was dismayed self-regulation didn't work. That financial collapse battered our economy, reducing revenues and increasing necessary spending on unemployment insurance, food stamps, and other support programs. Here we are on the floor debating unemployment insurance, food stamps, and other support programs, when in the previous administration, when Congress was controlled by the other side, they didn't talk about these issues that cost over $7.1 trillion. They were not funded. There was no funding for the Medicare prescription drug program. There was no funding for the tax cuts. It is true the budget for next year will not be as close to balance as we all would wish, but I believe that is because of the hand we were dealt.

The best way to bring the budget back into order over the long run is to grow our economy. This is something everybody in this building believes in. Our inheritance from the previous administration was tax cuts, overwhelmingly tilted toward those who were already well off, unfunded new entitlement programs, and two wars paid for with borrowed money. All these transformed our country's finances, leading us down the path to where we are now, potentially on the brink of fiscal ruin. Instead of saving for the future, we are borrowing billions from China, Japan and other countries and falling deeper into debt.

There are two kinds of deficits, and we have not done a good job explaining this. Economists will agree. There is the deficit you create in good times by profligate spending and tax cuts. That is one kind of deficit. When the economy is going well, you should be building surpluses. However, once you are in the hole, you have to get out of the hole, and that is a different kind of deficit. For that kind of deficit, you need to get the economy moving again because growth is the only way you are going to get out of the hole.

President Bush inherited a balanced budget, a vast fiscal surplus projected at the time to be $5.6 trillion over 10 years. Instead, he left office having added nearly $5 trillion to the national

debt. That is a swing of $10 trillion. That means the Bush years cost roughly $30,000 for each and every American. I hear people from the other side talk about the deficit. This was a $10 trillion swing starting just 10 years ago and going up 2 years ago. What amnesia. Take a look at what happened. What I am telling you are the facts. We can argue about policy but, in fact, we were in surplus and had a projected $5.6 trillion surplus when President Clinton left office. We ended up with a swing of $10 trillion, adding $5 trillion to the national debt. Those are facts. Senator Moynihan from New York used to say everybody is entitled to their opinion but not to the facts. The facts are, there was a $5.6 trillion projected surplus when President Bush took office, and we are left with a $5 trillion deficit. That adds up to $10 trillion. In fact, it adds up to $10.6 trillion.

I think those of us who supported the Recovery Act need to own up to our own mistake: We have done a lousy job of explaining why the Recovery Act was needed and how it is working. We are doing a good job explaining the Web sites, but we have not done the macroeconomic explanation of why you cannot have jobs come back until the economy comes back. You cannot have the economy come back without having the Recovery Act.

To start with, I will say I know it increases the deficit in the short term. I don't like it, but that was an unavoidable byproduct. The best long-term solution to our debt problems is not a little frugality that cuts down on growth. It is a robust, healthy, growing economy. That is why most economists believe—when I say ''most,'' I should say the vast majority—that in spite of the short-run deficit hit of the Recovery Act, it will bring us closer to fiscal balance over the long term.

I know some of my colleagues on the other side of the aisle will take issue with this statement. I would simply remind them it is economic growth—something they have talked about for years—and economic growth alone, that will get us out of our present mess.

There is another mistake we made. As we were diligently working to ensure accountability for the program—and we have done a great job of that; and that is important—and connected specific parts of the Recovery Act to specific jobs created, we have missed the forest for the trees in our explanation. We have lost track of the real objective: to jump-start the broader economy. That is where the jobs are going to come from—the main jobs.

While the Recovery Act itself has created or saved 2 million jobs—independent analysis confirms this—perhaps its most important impact has been the renewed confidence it has given to our economy. I absolutely totally, completely believe that. The jobs will come. The jobs will come. They always lag behind the economy. When the economy goes up, the jobs are not far behind.

The charts do not lie. We are rebounding. By returning faith to our consumer economy, the Recovery Act has had a much greater effect than the sum of its parts. To those who opposed the Recovery Act, I ask: What was your plan? Some said—and I presided and listened to the arguments—we should fill a $2 trillion hole in our economy with $200 billion. That was a plan doomed to failure. That is what the Japanese did, and they were faced with a decade of no growth.

Economists far and wide said that a $200 billion Recovery Act would have failed to halt a fall into depression. No reputable economists—none—said this would have taken us from where we were—where we were a year ago, with 730,000 jobs being lost—to a 6-percent growth in gross domestic product for the fourth quarter of last year.

We have come a long way in this past year. We have not come far enough yet. We have a long way to go. But I believe to move forward we must remember how bad things were when we began, just how deep a hole we were in, and we are pulling ourselves out of it now. The Recovery Act has done its job and will continue to do its job.

Madam President, I yield the floor.

AMENDMENT NO. 3354 TO AMENDMENT NO. 3336

(Purpose: To encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities)

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 3354, and at the conclusion of my remarks that amendment No. 3354 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Thank you, Madam President.

My amendment, cosponsored by Senators SCHUMER, BINGAMAN, and MERKLEY, would authorize a series of new programs designed to encourage energy efficiency in homes. I am offering this amendment—based on S. 1379, the Energy Efficiency in Housing Act—to the job creation bill we are debating today because of the enormous potential of green housing to grow the economy, create jobs, and, of course, save energy.

Clean energy is the next big global industry. According to the U.S. Green Building Council, buildings account for 39 percent of all energy consumption and 38 percent of carbon dioxide emissions. Clearly, the housing sector must be a vital part of our energy efficiency efforts.

Venture capitalists and companies from Google to General Electric have testified before the Senate that this revolution—the clean energy revolution—could be even bigger than the digital revolution. The countries at the forefront of this clean energy revolution will be the economic powerhouses of the next century. Right now, the United States is at risk of falling behind in the race to lead this new economy.

Of the top 10 solar companies in the world, only one is from the United States. Of the top 10 wind power companies in the world, only two are from the United States.

When President Obama met with Senate Democrats a few weeks ago, he told us:

> China is not waiting, it is moving. Already the anticipation is that they will lap us when it comes to clean energy.

Well, we can do better than that. We are a country of innovators, a nation that has always sought to be on the cutting edge, always sought the new frontier. All we need is for the Congress to put the right policies in place to promote energy efficiency and encourage the growth of the green economy so our companies can compete head to head with their international competition.

My amendment is endorsed by over 35 groups, including Enterprise Community Partners, the Alliance for Healthy Homes, and the Local Initiatives Support Corporation. The U.S. Green Building Council has included it in its list of ''Top 10 Pieces of Green Building Legislation in the 111th Congress.''

These groups know that the provisions included in this legislation will boost the green housing sector in a number of different ways.

First, it would jump-start the market for green mortgages by directing HUD to develop incentives for buyers—such as reduced rates and greater lending ability—and by boosting the secondary green mortgage market.

Second, it would establish a revolving loan fund for States to carry out renewable energy activities, such as retrofits and incentives for green construction. It would also encourage the participation of community development organizations in our most hard-hit neighborhoods in the recession by authorizing a grant program that can be used to help those organizations train, educate, and support the workforce for these green energy, clean energy projects.

The final provision I will highlight would provide incentives for public housing entities to achieve substantial improvements in their own energy efficiency. I believe we can maximize energy efficiency savings when we can split the incentives between landlords and tenants. The landlords will take an interest in pursuing the clean energy initiatives because of the savings they can make from the upgrades, and the tenants can participate in the savings through their conservation efforts. It has to be joint to be at its most effective.

As we continue to debate ways to put Americans back to work, I encourage my colleagues to take a serious look at the green housing sector and at my amendment. I think it merits our attention. I hope it will have my colleagues' support on an appropriate bill

in the near future—I hope—and I speak on it today to put a spotlight on it so I have that opportunity.

I thank the Chair and thank my colleagues.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The clerk will report the previous amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for himself, Mr. SCHUMER, Mr. BINGAMAN, and Mr. MERKLEY, proposes an amendment numbered 3354 to Amendment No. 3336.

(The amendment is printed in the RECORD of Tuesday, March 2, 2010, under ''Text of Amendments.'')

AMENDMENT NO. 3354 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the amendment is withdrawn.

The Senator from Michigan.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate now proceed to executive session to consider the following nominations on the Executive Calendar: Calendar No. 560, the nomination of Terry Yonkers to be an Assistant Secretary of the Air Force; Calendar No. 563, the nomination of Frank Kendall to be Principal Deputy Under Secretary of Defense; Calendar No. 564, the nomination of Erin Conaton to be Under Secretary of the Air Force; Calendar No. 663, the nomination of Paul Oostburg Sanz to be General Counsel of the Department of the Navy; Calendar No. 664, the nomination of Malcolm O'Neill to be an Assistant Secretary of the Army; Calendar No. 665, the nomination of Jackalyne Pfannenstiel to be an Assistant Secretary of the Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Terry A. Yonkers, of Maryland, to be an Assistant Secretary of the Air Force.

Frank Kendall III, of Virginia, to be Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

Erin C. Conaton, of the District of Columbia, to be Under Secretary of the Air Force.

Paul Luis Oostburg Sanz, of Maryland, to be General Counsel of the Department of the Navy.

Malcolm Ross O'Neill, of Virginia, to be an Assistant Secretary of the Army.

Jackalyne Pfannenstiel, of California, to be an Assistant Secretary of the Navy.

Mr. LEVIN. Madam President, I thank the Presiding Officer.

I thank my colleagues and the leaders who have been involved in facilitating this. It is long overdue, but I want to thank my colleagues for at least helping to make this happen this afternoon. This will be good news for the Defense Department, good news for our troops. Again, I thank all who have been helpful in this regard.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

TAX EXTENDERS ACT OF 2009—Continued

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3080 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. Madam President, in the absence of any other Senator seeking recognition, 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. BURRIS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BURRIS. 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. BURRIS. Madam President, my colleagues and I have spent much of last year debating the issue of health care reform. After nearly a century of false starts and broken promises, Democrats came to Congress determined to enact comprehensive reform. We were confident that this time we would not fall short as our predecessors had done; this time we would deliver the changes the American people have been demanding for so many years. But over the course of the debate an unfortunate pattern emerged, a pattern of obstructionism and delay and scare tactics designed to derail our efforts to make a difference.

My Democratic colleagues and I worked hard under President Obama's leadership to craft sweeping legislation, but our Republican friends were not interested in passing health care reform. They had no desire to take action and no plan of their own. Instead, they found every opportunity to stall, to clog up the Senate, and score political points by attacking those who supported our efforts. They spread misinformation about death panels and higher costs and rationing coverage even though they knew these things were not in our bill. But they kept repeating this bad information and repeating it until it finally started to take hold.

The ordinary folk who heard these distortions had no reason to believe their elected officials would try to misinform them, so they retained this bad information and they did exactly what our Republican friends wanted them to do—they got angry. They held rallies. They called their Senators and Representatives. They regurgitated the talking points that had been written for them by obstructionists and special interests and the insurance lobby.

As a result, our Republican friends succeeded in holding up our health reform bill. By misinforming the American people, they stirred up an opposition that was tailor made to create confusion and gridlock no matter how hard some people tried to explain the truth because the facts are these.

No Democratic health care proposal has ever included a so-called ''death panel.''

None of our legislation would result in rationing of any kind.

And, rather than driving costs up, as my Republican friends have argued, nonpartisan analysis consistently shows that the Senate bill would lower costs significantly.

It would reduce the deficit by more than $130 billion in the first 10 years, and almost $1 trillion in the decades after that.

In addition, our bill would extend health coverage to 31 million Americans.

It would prevent corporations from discriminating against their customers because of pre-existing conditions.

And it would reduce health premiums for individuals and families, to the tune of hundreds, or even thousands, of dollars per year, depending on income level.

From the very beginning of this debate, I have called for a bill that fulfills the three goals of a public option:

A bill that creates competition in the insurance market. A bill that gives us the tools to hold insurance companies accountable. A bill that will provide cost savings to millions of Americans.

I believe our current proposal can accomplish all of these things. This legislation is not perfect, but it represents

a major step in the right direction. So I would urge my Republican friends to thoroughly examine the legislation we have introduced. And I would ask that they fulfill the public trust that has been placed in them, by being honest with the American people. By building their arguments on facts, not misinformation, and offering constructive suggestions rather than partisan talking points.

We all agree that our health care system is badly broken. And we owe it to everyone in this country to have a vigorous national debate about how to fix it.

In spite of the obstructionism and the delays that we have seen from the other side over the last year, I remain confident that my colleagues and I can pass a comprehensive health reform bill in the coming weeks. We have come further than any Congress in history. So it is time to finish the job. In light of recent developments, I think it is more likely than ever that our efforts will be successful.

Just last week, President Obama invited a group of Republicans and Democrats to join him for an open conversation about health care reform. Millions of Americans watched on TV as leaders from the House, the Senate, and the executive branch laid out their respective ideas for reform.

Yes, we heard some partisan talking points from a few on the other side. But for the most part, both Republicans and Democrats seemed eager to engage in a real conversation. They challenged each other's ideas. They debunked some of the myths that have taken hold over the past year. In the end, I think we discovered that we share more common ground than many people thought.

So it is time to move forward. President Obama has announced that he is open to four specific Republican ideas that emerged from last week's health care summit. I share the President's support for these proposals, which include eliminating waste and fraud, funding demonstration grants, increasing Medicaid doctor reimbursements, and expanding health savings accounts. I hope that my colleagues on both sides of the aisle will give these ideas a hard look, so we can incorporate them into our existing legislation. And I hope that my Republican friends will recognize that, while our current bill is not perfect, it contains a number of things they can strongly support.

So let us end the obstructionism and the delays. Let's stop spreading misinformation, and continue the conversation that emerged from the President's health care summit. And once we have a final bill that incorporates some of these suggestions, let us have an up or down vote.

The American people are tired of hearing excuses. They are tired of watching some members of this chamber manipulate the rules to prevent us from taking action. That is not how this Senate is supposed to work. So, whether my colleagues support or oppose the final legislation, I hope they will have the courage to let it come to a vote, rather than hiding behind the threat of filibuster.

This debate has been going on for a year. And the American people have been calling for comprehensive reform for almost a century. So I think it is high time to move forward together. Let's get this done. Let's do it right. Let's do it now.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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.

AMENDMENT NO. 3356, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the Murray amendment I offered on her behalf be the pending amendment.

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

Mr. REID. I ask unanimous consent that it be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

At the end of subtitle C of title II, insert the following:

SEC. ___. 6-MONTH EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting '', and for the first 6 months of fiscal year 2011, $1,300,000,000,'' before ''for payment'';

(2) in paragraph (2)(B)—

(A) by inserting ''for fiscal year 2009'' after ''under subparagraph (A)''; and

(B) by inserting before the period the following: '', and may be used to make payments to a State during fiscal year 2011 with respect to expenditures incurred by such State during fiscal year 2009 or 2010. The amounts appropriated to the Emergency Fund under subparagraph (A) for the first 6 months of fiscal year 2011 shall be used to make grants to States during such months in accordance with the requirements of paragraph (3), and may be used to make payments to a State during the succeeding months of fiscal year 2011 and during fiscal year 2012 with respect to expenditures incurred by such State during the first 6 months of fiscal year 2011'';

(3) by striking paragraph (2)(C) and inserting the following:

''(C) LIMITATIONS.—

''(i) IN GENERAL.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2012.

''(ii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for the first 6 months of fiscal year 2011, $500,000 shall be placed in reserve for use in the succeeding months of such fiscal year and in fiscal year 2012. Such amounts shall be used to award grants for any expenditures incurred by States after April 30, 2011.'';

(4) in clause (i) of each of subparagraphs (A), (B), and (C) of paragraph (3), by striking ''year 2009 or 2010'' and inserting ''years 2009, 2010, or the first 6 months of fiscal year 2011'';

(5) by adding at the end of paragraph (3) the following:

''(D) GRANT RELATED TO INCREASED EXPENDITURES FOR EMPLOYMENT SERVICES.—

''(i) IN GENERAL.—For each of the first 2 calendar quarters in fiscal year 2011, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) EMPLOYMENT SERVICES EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for employment services in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).'';

(6) in paragraph (4), by striking ''and subsidized employment'' and inserting ''subsidized employment, and employment services'';

(7) in paragraph (5)—

(A) in the paragraph heading, by inserting ''ON PAYMENTS; ADJUSTMENT AUTHORITY'' after ''LIMITATION'';

(B) by striking ''The total amount'' and inserting the following:

''(A) IN GENERAL.—The total amount'';

(C) by inserting after ''grant'' the following: ''The total amount payable to a single State under subsection (b) and this subsection for the first 6 months of fiscal year 2011 shall not exceed 15 percent of the annual State family assistance grant.''; and

(D) by adding at the end the following:

''(B) ADJUSTMENT AUTHORITY.—The Secretary may issue a Program Instruction without regard to the requirements of section 553 of title 5, United States Code, specifying priority criteria for awarding grants to States for the first 6 months of fiscal year 2011 or adjusting the percentage limitation applicable under subparagraph (A) with respect to the total amount payable to a single State for such months, if the Secretary determines that the Emergency Fund is at risk of being depleted prior to April 30, 2011, or the Secretary determines that funds are available to accommodate additional State requests.''; and

(8) in paragraph (9)—

(A) in subparagraph (B)(i), by striking ''or 2008'' and inserting '', 2008, or 2009'';

(B) by adding at the end of subparagraph (B)(ii) the following:

''(IV) The total expenditures of the State for employment services, whether under the State program funded under this part or as qualified State expenditures.''; and

(C) by adding at the end the following:

''(D) EMPLOYMENT SERVICES.—The term 'employment services' means services designed to help an individual begin, remain, or advance in employment, as defined in program guidance issued by the Secretary (without regard to section 553 of title 5, United States Code).''.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery

and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking all that follows ''repealed'' and inserting a period; and

(2) in subsection (d)(1), by striking ''2010'' and inserting ''2011''.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section for subsidized employment do not support any subsidized employment position the annual salary of which is greater than the median annual income for all participating jurisdictions.

SEC. ___. DEPARTMENT OF LABOR; EMPLOYMENT AND TRAINING ADMINISTRATION; TRAINING AND EMPLOYMENT SERVICES.

(a) ADDITIONAL AMOUNT.—There is appropriated for fiscal year 2010, for an additional amount for ''Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (referred to in this section as the ''WIA''), $1,300,000,000. That amount is appropriated out of any money in the Treasury not otherwise appropriated. The amount shall be available for obligation for the period beginning on the date of enactment of this Act.

(b) ACTIVITIES.—Except as otherwise provided in subsection (c), of the amount made available under subsection (a), $1,300,000,000 shall be available for grants to States for youth activities, including summer employment for youth, which funds shall remain available for obligation through September 30, 2010, except that—

(1) no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA;

(2) for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities for fiscal year 2010 does not exceed $1,000,000,000;

(3) with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21''; and

(4) the work readiness aspect of the performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds.

(c) ADMINISTRATION; MANAGEMENT; OVERSIGHT.—

(1) IN GENERAL.—An amount that is not more than 1 percent of the funds made available to the Department of Labor under subsection (a) may be used for the Federal administration, management, and oversight of the programs, activities, and grants, funded under subsection (a), including the evaluation of the use of such funds.

(2) PERIOD FOR OBLIGATION.—Funds designated for the purposes of paragraph (1), together with the funds described in section 801(b) of Division A of the American Recovery and Reinvestment Act of 2009, and the funds described in the matter under the heading ''SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)'', in the matter under the heading ''DEPARTMENTAL MANAGEMENT'' in title VIII of that division, shall be available for obligation through September 30, 2012.

SEC. ___. INTELLIGENT ASSIGNMENT IN ENROLLMENT AND RE-ASSIGNMENT OF CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)) is amended—

(1) in the second sentence of subparagraph (C), by inserting '', subject to subparagraph (D),'' before ''on a random basis''; and

(2) by adding at the end the following new subparagraph:

''(D) INTELLIGENT ASSIGNMENT.—In the case of any auto-enrollment under subparagraph (C) or any re-assignment, no part D eligible individual described in such subparagraph shall be enrolled in or re-assigned to a prescription drug plan which does not meet both of the following requirements:

''(i) LOW COST.—The total cost under this title of providing prescription drug coverage under the plan is among the lowest 25th percentile of prescription drug plans under this part in the State.

''(ii) MEETS BENEFICIARY NEEDS.—The plan reasonably meets the needs of such part D eligible individuals as a group, as identified by the Secretary using criteria established by the Secretary.

In the case that no plan meets the requirements under clauses (i) and (ii) or that the plans which meet such requirements do not have sufficient capacity for the enrollment or re-assignment of such part D eligible individual in or to the plan, the part D eligible individual shall be enrolled in or re-assigned to a prescription drug plan under the enrollment process under subparagraph (C) (as in existence before the date of the enactment of this subparagraph).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect for enrollments and re-assignments effected on or after January 1, 2012.

SEC. __. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

AMENDMENT NO. 3417 TO AMENDMENT NO. 3336

Mr. REID. I am now going to call up amendment No. 3417, with the understanding that Senator ISAKSON will be allowed to call up his amendment.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER, proposes an amendment numbered 3417 to amendment No. 3336.

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

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

The amendment is as follows:

(Purpose: To temporarily modify the allocation of geothermal receipts)

At the end of title VI, add the following:

SEC. 6. ALLOCATION OF GEOTHERMAL RECEIPTS.

Nothwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

Mr. REID. Mr. President, there will be no more votes today or tomorrow. We are in the process of working on this bill. We do not have it all worked out. We think we can work it out so we can finish it with a couple votes Tuesday morning. We may have to invoke cloture, but we will make that determination. I think we will probably file cloture on it today or tomorrow.

The PRESIDING OFFICER. The Senator from Montana is recognized.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 3075 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. 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.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

AMENDMENT NO. 3427 TO AMENDMENT NO. 3336

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending business be set aside for the purposes of offering an amendment, and that, of course, the vote on the amendment be decided by the majority leader and the Republican leader.

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

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. GRAHAM, proposes an amendment numbered 3427.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of reconciliation to consider changes in Medicare)

At the appropriate place, insert the following:

SEC. _____. PROTECTING MEDICARE.

Section 310(g) of the Congressional Budget Act of 1974 (2 U.S.C. 641(g)) is amended by inserting before the period the following: ''or to the medicare program established by title XVIII of such Act''.

Mr. MCCAIN. Mr. President, the President of the United States and the majority in both Houses have now signaled that regardless of how clearly the American people oppose the pending legislation concerning health care in America, it will be attempted to be forced down their throats under the parliamentary process that is intended

for our Nation's budgetary matters, whether they want it or not.

This amendment that is pending would remove our important Medicare Program from the partisan procedural process known as budget reconciliation. We must protect the Medicare Program from being used as a piggybank to create the new health care entitlement proposed by Senator REID and President Obama. In addition to increasing taxes by $500 billion, the health care ''reform'' bill cuts $500 billion from Medicare to put the government in charge of a new $2.3 trillion health care entitlement that we can't afford.

My constituents in Arizona and Americans across the country know the partisan games that are being played here, and they are opposed to it. Our entitlement programs should not be the subject of reconciliation. In 1974, the Budget Act excluded Social Security from the 51-vote reconciliation process. That was intentional, by one of the major architects, ROBERT BYRD, one of the most revered Members of the Senate, who has also said that health care reform should not be the subject of reconciliation. That makes sense, because if you exclude Social Security because it is an entitlement program, then, obviously, Medicare should also be excluded. We have a crisis with our entitlement programs and they need to be reformed, but they shouldn't be subject to a 51-vote majority.

This amendment removes the Medicare Program from the reconciliation process. Medicare reforms need to be made, and this amendment doesn't affect that, but what the amendment says is that reforms to the Medicare Program should be treated differently just as the Social Security program is. A program as important as Medicare should not be cut or increased through a partisan 51-vote process. Something this important should be held to a higher standard and include bipartisan support.

Let me remind my colleagues of the view of then-Senator Obama in 2007 when we were considering the ''nuclear option.'' He said at that time:

> You've got to break out of what I call, sort of, the 50-plus-one pattern of presidential politics. Maybe you eke out a victory of 50-plus-one, then you can't govern. You know, you get Air Force One, I mean there are a lot of nice perks, but you can't deliver on health care. We're not going to pass universal health care with a 50-plus-one strategy.

On the use of reconciliation, then-Senator Obama went even further and said:

> You know, the Founders designed this system, as frustrating [as] it is, to make sure that there's a broad consensus before the country moves forward . . . And what we have now is a President who—

he was obviously referring to then-President Bush—

> . . . [h]hasn't gotten his way. And that is now prompting, you know, a change in the Senate rules that really I think would change the character of the Senate forever . . . And what I worry about would be you essentially still have two chambers—the House and the Senate—but you have simply majoritarian absolute power on either side, and that's just not what the founders intended.

I have been around this body for quite a while. Back a few years ago, when this side was in the majority and there was a movement toward the ''nuclear option''—in other words, 51 votes to confirm judges—I stood up as a member of the majority and said we should not erode the 60-vote majority rule that has prevailed here in the Senate for many years. At that time, that was not greeted on this side of the aisle, frankly, with approval by a lot of people. But what we did then was preserve the Senate tradition and process of 60 votes, and we should maintain that now.

Certainly, having been in the majority and in the minority, I understand the frustrations of the majority. But I think history will show there have been numerous occasions where the requirement for a 60-vote majority has prevented the Congress of the United States from acting at the will of the moment or the fancy or the issue; that when time passes and cooler heads prevail, the 60-vote majority prevented the Congress from acting in a way that would have been harmful to the United States of America and its citizens.

All of my other colleagues have also commented on this issue at different times, depending on whether they are in the majority or the minority. But I wish to point out again a fundamental fact of the way the Congress of the United States has done business in general, and the way the Senate of the United States has done business. We have never had in our history a major reform, whether it be the Civil Rights Act or whether it be the passage of Medicare, whether it be welfare reform or any other major reform made without a majority, and a significant majority, that was bipartisan in nature. That doesn't mean there was 100 percent, but there has always been, whenever major structural reforms have been made, a consensus that was a significant majority on both sides.

So as we have time after time on this floor, we will be coming to the floor every day, my colleagues and I, to urge the majority and the President of the United States to start over and sit down and work together.

Overwhelming majorities of the American people believe we should either stop or start over. Overwhelming majorities of the American people want us to reform the system. But they do not like this unsavory process of vote buying, and they certainly do not like the product.

We will continue to carry the message to our constituents and to the American people. I believe there is still sufficient time for the will of the American people to prevail.

Mr. President, the hour is late. I appreciate the patience of the Chair and his willingness to serve in the chair at this late hour, 7 o'clock at night. I appreciate him being here at this time.

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.

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

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

Mrs. LINCOLN. Mr. President, I ask unanimous consent that on my amendment No. 3416, Senator VOINOVICH be added as a cosponsor.

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

AMENDMENT NO. 3401 TO AMENDMENT NO. 3336

Mrs. LINCOLN. Mr. President, I ask to set aside the pending amendment and call up my other amendment, No. 3401.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 3401 to amendment No. 3336.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve a provision relating to emergency disaster assistance)

On page 75, line 4, strike ''excessive rainfall or related'' and insert ''drought, excessive rainfall, or a related''.

On page 76, line 1, insert ''fruits and vegetables or'' before ''crops intended''.

On page 76, line 13, strike ''90'' and insert ''112.5''.

Beginning on page 76, strike line 18 and all that follows through ''(4)'' on page 77, line 17, and insert ''(3)''.

On page 78, strike lines 3 through 7 and insert the following: ''not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

On page 78, lines 18 and 19, strike ''with excessive rainfall and related conditions''.

On page 78, line 21, strike ''2008'' and insert ''2009''.

On page 79, lines 4 and 5, strike ''under this subsection'' and insert ''for counties described in paragraph (1)(B)''.

On page 80, between lines 3 and 4, insert the following:

(5) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

On page 80, line 4, strike ''(5)'' and insert ''(6)''.

On page 87, between lines 4 and 5, insert the following:

(h) HAY QUALITY LOSS ASSISTANCE PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(B) EXCLUSION.—The term ''disaster county'' does not include—

(i) a contiguous county; or

(ii) a county that had less than a 10-percent loss in the quality of the 2009 crop of hay, as determined by the Secretary.

(2) ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to provide assistance to eligible producers of the 2009 crop of hay that suffered quality losses in a disaster county due to flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(3) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive assistance under this subsection, a producer shall certify to the Secretary that the average quality loss of the producer meets or exceeds the approved quality adjustment for hay due to flooding at harvest.

(B) EVIDENCE.—

(i) IN GENERAL.—In making the certification described in subparagraph (A), the producer shall provide to the Secretary reliable and verifiable evidence of the quality loss and the production of the producer.

(ii) LACK OF EVIDENCE.—If evidence described in clause (i) is not available, the Secretary shall use—

(I) in the case of unavailable quality loss evidence, documentation provided by the Cooperative Extension Service, State Department of Agriculture, or other reliable sources, including institutions of higher education, buyers, and cooperatives, as to the extent of quality loss in the disaster county; and

(II) in the case of unavailable production evidence, the county average yield, as determined by the Secretary.

(4) DETERMINATION OF PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided under this subsection to an eligible producer shall equal the product obtained by multiplying, as determined by the Secretary—

(i) the quantity of hay harvested by the eligible producer;

(ii) a quality adjustment that is equal to the difference between—

(I) the average price per ton for average quality hay; and

(II) the average price per ton for poor quality hay due to flooding; and

(iii) 65 percent.

(B) LIMITATION.—The maximum amount that an eligible producer may receive under this subsection is $40,000.

(5) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(6) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity with an average adjusted gross nonfarm income that exceeds the amount described in section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(A)) shall be ineligible to receive benefits under this subsection.

(7) DIRECT ATTRIBUTION.—In carrying out this subsection, the Secretary shall apply section 1001(e) of the Food Security Act of 1985 (7 U.S.C. 1308(e)).

On page 87, line 5, strike ''(h)'' and insert ''(i)''.

On page 89, line 15, insert ''for the purchase, improvement, or operation of the poultry farm'' after ''lender''.

On page 89, strike line 24 and insert the following:

(j) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

(k) ADMINISTRATION.—

On page 90, line 4, insert ''and the amendment made by this section'' after ''section''.

On page 90, line 7, insert ''and the amendment made by this section'' before ''shall be''.

On page 91, line 1, strike ''$15,000,000'' and insert ''$10,000,000''.

Mrs. LINCOLN. Mr. President, I want to let my colleagues know that we have worked in a bipartisan way on the underlying amendment, and we worked in a bipartisan way to see how we could make these modifications to bring $30 million of additional savings to the overall bill.

I look forward to working to complete this bill. I think we have a great opportunity to create jobs and to look to the future to how we can put our economy back on track in this country and put people back to work with some of the great ideas and great opportunities that exist in the underlying bill.

Mr. GRASSLEY. Mr. President, I want to resolve a dispute that arose on the floor earlier this morning.

There were differing opinions on whether the Senate-passed health care reform bill cuts taxes or raises taxes.

During the month-long floor debate on health care reform—ending with a final vote on Christmas Eve—I took to the floor on five occasions to address this question.

Let me top-line it for my Senate colleagues and my friends in the media.

According to the Joint Committee on Taxation, only about 7 percent of Americans would actually receive the government subsidy for health insurance under the Senate-passed health care reform bill.

The remaining 93 percent of Americans would not be eligible for a tax benefit under the bill.

How can a person receive a tax cut if they do not receive a tax benefit?

Here is another powerful statistic that every policymaker needs to know: While only about 7 percent of Americans under $200,000 would actually receive the subsidy for health insurance, 25 percent of Americans under $200,000 would see their taxes go up.

This is even after taking into account the government subsidy.

This means that for every one middle class family that would receive the government subsidy, three middle class families would pay higher taxes.

Again, this is all according to the Joint Committee on Taxation, the nonpartisan experts.

Now, let's get to specifics. JCT tells us that in 2019 a little more than 13 million individuals, families, and single parents would receive the government subsidy for health insurance.

JCT also tells us that the total number of tax filers in 2019 would be 176 million.

That means that out of 176 million individuals, families, and single parents only 13 million of them would receive a government subsidy for health insurance.

That is only about 7 percent of tax filers.

Let me repeat that. Only about 7 percent of Americans will benefit from the subsidy for health insurance.

I have a pie chart here so my friends can see.

You can see here, out of 176 million tax returns, around 13 million of them get the government subsidy for health insurance.

This means that 163 million individuals, families, and single parents or 93 percent of all tax returns receive no tax benefit under the Reid bill.

So what does this mean?

It means that there is a small beneficiary class under the Reid bill—about 7 percent of Americans.

And a very large nonbeneficiary class—93 percent of Americans.

Is this nonbeneficiary class affected in other ways?

Yes. While one group of Americans in this class would be unaffected—another group of Americans will see their taxes go up.

And this group won't have a tax benefit to offset their new tax liability.

That means that these Americans will be worse off under the Reid bill. What happened to their ''net tax cut''?

What they will see instead is a net tax increase.

JCT data backs up this claim.

Specifically, based on JCT data, in 2019, 42 million individuals, families, and single parents with income under $200,000 will see their taxes go up.

This is even after taking into account the subsidy for health insurance.

Again, this is on a net basis.

Now, if we were to identify (1) those Americans who are not eligible to receive the tax credit and (2) those whose taxes go up before they see some type of tax reduction from the subsidy, this number climbs to 73 million.

I have a chart here that illustrates this: The first bar illustrates what we have already established, but looks at Americans earning less than $200,000. Here, 13 million individuals, families, and single parents would receive the subsidy.

The middle bar shows the net tax increase number of 42 million Americans under $200,000.

Finally, when we identify those Americans who get no benefit under the bill—and those Americans who see a tax increase—we find there are 73 million individuals, families, and single parents under $200,000 in this category.

I want to close by referring to a final chart that illustrates the winners and losers under the Reid bill.

What we see here is that there is a group of Americans who clearly benefit under the bill from the government subsidy for health insurance.

This group, however, is relatively small—about 7 percent of Americans.

There is another much larger group of Americans who are seeing their taxes go up. This group is not benefiting from the government subsidy.

Also, there is another group of taxpayers who are generally unaffected.

But, JCT tells us that this group may be affected by other tax increases like the cap on FSAs or the individual mandate penalty tax.

The bottom-line is this. My Democratic friends (1) cannot say that all taxpayers receive a tax cut and (2) cannot say that the Reid bill does not raise taxes on middle-income Americans.

JCT tells us differently.

No one can dispute the data.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unavoidably detained during rollcall vote No. 36 on the motion, motion to waive section 403(a) of S. Con. Res. 13, 111th Congress, re: Sanders amendment No. 3353 as modified; rollcall No. 37 on the motion to table, motion to table Bunning amendment No. 3360; rollcall vote No. 38 on the motion to table, motion to table Bunning amendment No. 3361; and rollcall vote No. 39 on the motion, motion to waive Budget Act points of order re: Baucus amendment No. 3336.

Had I been present I would have voted ''nay'' for rollcall vote No. 36; ''nay'' for rollcall vote No. 37; ''nay'' for rollcall vote No. 38; and ''nay'' for rollcall vote No. 39 and ask that the CONGRESSIONAL RECORD reflect that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 3406, 3349 AND 3346, AS MODIFIED, EN BLOC

Mr. REID. I ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments with no amendments in order to the amendments; that once the amendments have been reported by number, and modified, if applicable, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table, en bloc: amendment No. 3406, amendment No. 3349, and that the amendment No. 3346 be modified with the changes at the desk.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 3406

(Purpose: To make technical changes)

On page 91, line 13, strike ''$354,000,000'' and insert ''$560,000,000''.

On page 92, line 19, strike ''February'' and insert ''March''.

On page 92, after line 20, add the following:

(3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 2010.

AMENDMENT NO. 3349

(Purpose: To clarify the effective date of section 244)

On page 73, line 21, after the second period insert the following: ''The amendment made by this section shall be considered to have taken effect on February 28, 2010.''.

AMENDMENT NO. 3346, AS MODIFIED

(Purpose: To improve title V)

On page 161, line 13, strike ''**SEC. 501.**'' and insert ''**SEC. 500.**''.

On page 166, line 24, strike ''March 1, 2010'' and insert ''May 1, 2010''.

On page 169, line 3, strike ''February 28, 2010'' and insert ''March 28, 2010''.

On page 169, line 18, strike ''May 3, 2010'' and insert ''July 1, 2010''.

On page 184, line 2, strike ''February 28, 2010'' and insert ''March 28, 2010''.

On page 233, line 5, strike ''February 28, 2010'' and insert ''March 28, 2010''.

On page 234, lines 1 and 2, strike ''February 28, 2010'' and insert ''March 28, 2010''.

On page 234, lines 3 and 4, strike ''March 1, 2010'' and insert ''March 29, 2010''.

On page 234, line 23, strike ''180 days'' and insert ''210 days''.

On page 244, lines 16 and 17, strike ''180 days'' and insert ''210 days''.

On page 245, line 19, strike ''180 days'' and insert ''210 days''.

On page 267, strike lines 5 through 16, and insert the following:

SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

MORNING BUSINESS

Mr. REID. I now ask we 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.

HONORING OUR ARMED FORCES

STAFF SERGEANT JOHN A. REINERS

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG John A. Reiners. Sergeant Reiners, a member of the 1st Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Carson, CO, died on February 13, 2010. Sergeant Reiners was serving in support of Operation Enduring Freedom in Kandahar, Afghanistan, when he was killed by an improvised explosive device that detonated while he was on patrol. He was 24 years old.

A native of Lakeland, FL, Sergeant Reiners and his family moved to Fort Carson in 2009 when he was assigned to the 4th Infantry Division. Sergeant Reiners joined the Army in July 2004. He served bravely during two tours in Iraq, before being deployed to Afghanistan in November of last year.

During 5½ years of service, Sergeant Reiners distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent, bestowing on Sergeant Reiners numerous awards and medals, including the Purple Heart, the Army Commendation Medal, two Army Achievement Medals, the Army Good Conduct Medal, and the National Defense Service Medal. He also attended Ranger School in 2007, where he earned the prestigious Ranger Tab.

Sergeant Reiners worked on the front lines of battle, patrolling the most dangerous areas of Zhari district in Kandahar. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His friends recall Sergeant Reiners saying that Army boot camp was too easy. Most of all, they remember his devotion to his wife, his son, and his country.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Sergeant Reiners' service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived without fear.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Reiners will forever be remembered as one of our country's bravest.

To Sergeant Reiners' mother Ronna, his father Gregory, his wife Casey, his son Lex, and all his friends and family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in John's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

LAS VEGAS ASIAN CHAMBER OF COMMERCE

Mr. ENSIGN. Mr. President, I rise today to commemorate the beginning of an exciting chapter for the Las Vegas Asian Chamber of Commerce. For more than 20 years, this group of entrepreneurial southern Nevadans has worked together to provide resources

and promote economic growth in the Asian community. Today, they will install the first woman to be president of their esteemed organization. Vida Chan Lin steps into this role—respected by her peers and energized by her passion for furthering the goals of the Las Vegas Asian Chamber of Commerce.

While this leadership role is a new opportunity for Ms. Lin, her lifetime of experience has prepared her to take on this role. As a child, she was exposed to running a business as she saw firsthand the daily challenges and joys in the restaurants her family owned. She then found great satisfaction in the insurance industry where she continued to exceed expectations and eventually start her own company.

Ms. Lin has always balanced her business drive and success with her commitment to community service. She has been an instrumental force behind the Las Vegas Asian Chamber of Commerce for many years. Her ability to bring people together, develop innovative programming, and mentor young leaders has helped ensure the long-term success of the Asian Chamber well beyond just her tenure.

She has been recognized by countless organizations for her business acumen and her heartfelt commitment to public service. I am proud to congratulate Vida Lin on this special day, and I wish her great success in the coming term of her presidency.

49TH ANNIVERSARY OF THE PEACE CORPS

Mr. CHAMBLISS. Mr. President, I rise today to congratulate the Peace Corps on the occasion of its 49th anniversary.

Since the Peace Corps' inception in 1961, nearly 200,000 Americans have volunteered to live and work in developing countries around the globe in an effort to help provide stability and progress.

Through aiding in education, community development, business development, health awareness and food security, these volunteers are improving lives and communities and making them better places to live and thrive.

It is this selfless dedication to helping people and communities help themselves that has strengthened ties between America and the world.

I am proud to say that 155 Georgians are serving as volunteers with the Peace Corps, including a former staffer of mine, Rebecca Riccitello, who is working in Ghana.

My home State of Georgia has a long history with the Peace Corps. Former U.S. Senator Paul Coverdell of Georgia devoted much of his time to the Peace Corps, and served as its director in the late eighties. During his tenure, the World Wise Schools Program was founded, which connects students in the United States with Peace Corps volunteers around the world.

Peace Corps volunteers engage in real, meaningful work and truly make a difference in individual lives around the world. I commend them for their efforts on our nation's behalf, and I am pleased to recognize the Peace Corps and all those who help the organization help others in America's name.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE WIDMAN

● Mr. CONRAD. Mr. President, today I offer my congratulations and warm regards to George Widman, the ''Candy Man'' of Grand Forks, on the momentous occasion of his 90th birthday.

Throughout his life, George Widman has been an example of what it means to be a great North Dakotan and a great American. Growing up in the Great Depression taught George the value of hard work, something he has never forgotten. To this day, George and his wife Betty work 6 days a week at Widman's Candy Store in downtown Grand Forks.

George demonstrated his lifelong patriotism through his service in World War II. During that war, he served as a naval A1C aviation mechanic on the USS *Bunker Hill* aircraft carrier from 1942 until it was hit by kamikazes in 1945. The ship suffered the loss of 346 men, but, miraculously, George survived.

After the war, George returned home to work in the family business. Sixty years later, Widman's Candy Store is best known for its Chippers—Red River Valley potato chips covered in delicious Red River Valley chocolate. They are truly a treat. They have become famous not only in North Dakota but in Washington, DC, with fans at the White House, in the office of the Vice President, at the Pentagon, and here in the Senate.

To me, the story that best defines George and Betty is how they responded to the 1997 flood that devastated the city of Grand Forks. After their store was destroyed by the floodwaters that took out most of Grand Forks, George offered Betty the opportunity to rebuild anywhere in the world. They chose Grand Forks.

Ten years ago, George said his secret to longevity was ''lots of candy.'' Today, it is my pleasure and honor to wish George a wonderful 90th birthday. He is representative of the best of North Dakota, and he has my respect and admiration. I can never forget George's birthday, because it is my birthday too. Happy 90th, George, and here's to many more!●

TRIBUTE TO DORIS THOM

● Mr. FEINGOLD. Mr. President, today I am very pleased to recognize the accomplishments of Doris Thom, a Wisconsinite from my hometown of Janesville who has blazed a trail for women's rights, and shown a tremendous commitment to public service, throughout her 90 years. I have known Doris for many years, and I greatly admire the many contributions she has made to Janesville. She is a good friend who has shown outstanding leadership in her community. I am also grateful for the excellent work of her granddaughter Sara Thom-Agress, who worked in my Washington, DC, office.

Doris's life story is one of great determination and outstanding achievement. Working at Gilman Engineering in Janesville during World War II, she received the U.S. Army and Navy ''E'' for Excellence Award for her work to produce emergency landing gear for fighter planes, and served as the first woman on the Executive Committee for Machinists Local 1266.

Her life has been a series of firsts for women in Janesville, particularly during her years at the General Motors' Fisher Body Plant. There she served as the first woman committee member of United Auto Workers Local 95, and then the first woman to sit on the executive board of Local 95. She also opened doors for women at the plant when she filed a successful grievance after being denied a transfer from a traditionally female line at the plant to an all-male one. Her grievance resulted in all of the plant's jobs being open to women for the first time.

All the while, as Doris was breaking new ground for women in Janesville, she was raising a family and making countless other contributions to her community and her state. Among many other activities, Doris served on the Wisconsin Governor's Commission on the Status of Women from 1971 to 1975.

I am very pleased to recognize Doris's many achievements, and send her my warmest wishes as she celebrates her 90th birthday. I thank her for everything she has done for our shared hometown, and for women in Wisconsin and nationwide.●

RECOGNIZING THE ARKANSAS DEPARTMENT OF VETERANS AFFAIRS

● Mrs. LINCOLN. Mr. President, I would like to take a moment to thank the director of the Arkansas Department of Veterans Affairs and members of his staff for attending to the medical needs of MAJ James E. Gibson.

Back in January of this year, I received a letter from Mrs. Barbara-lea Gibson Wright of Bull Shoals, AR. Barbara wrote to me, soliciting help in extending her sincere gratitude to the Arkansas Department of Veterans Affairs for tending to the medical needs of her father with unfailing diligence until his unfortunate passing. Major Gibson was wounded in Omaha Beach back in 1944, and passed away at the age of 90 in 2009. Although he lost the use of his right arm, Army doctors and nurses brought him back from the brink of death on multiple occasions. Major Gibson eventually retired and was able to live a long and prosperous life with his wife and children thanks to the superior medical attention he

received from the Arkansas Department of Veterans Affairs.

In fiscal year 2009, there were more than 3 million Americans receiving VA disability compensation, with 41,000 of them receiving service in the State of Arkansas. The VA works tirelessly to address the needs of the American public, whether through times of peace, times of war, or times of grief.

It is important that we recognize the accomplishments and extend our sincere thanks to the Arkansas Department of Veterans Affairs for not only a job well done, but for the men and women in desperate need of great service so evidently shown for Major Gibson. They make the State of Arkansas proud.●

TRIBUTE TO STEVE COLE AND FRANK ADAMS

● Mrs. LINCOLN. Mr. President, today I congratulate Arkansas State Representative Steve Cole of Lockesburg for being named the new chancellor of Cossatot Community College. He replaces retiring Chancellor Frank Adams, both of whom have dedicated their careers to inspiring and training students to become our next generation of Arkansas leaders.

Cossatot Community College is a pillar of the communities it serves. With campuses in DeQueen, Ashdown and Nashville, the college serves nearly 1,500 students in western Arkansas. The college offers technical certificates in 7 programs, certificates of proficiency in 13 programs, and 5 associate's degree programs.

Both Representative Cole and Chancellor Adams have played an integral role in the development and success of Cossatot Community College.

Since 2007, Representative Cole has served as vice chancellor and dean of academics. He has also served as a faculty member and administrator for the past 13 years. Representative Cole is a dedicated public servant in the Arkansas State Legislature, representing Howard and Sevier Counties.

Chancellor Adams will retire on June 30 after 18 years at Cossatot. He led the college into the UA system in 2001 and spearheaded the development of satellite campuses in Ashdown and Nashville.

I salute Representative Cole and Chancellor Adams for their leadership, and for their efforts to inspire the next generation of leaders. The knowledge and training that the students at Cossatot Community College receive today are the tools that will carry them for the rest of their lives.●

RECOGNIZING THE 2010 ARKANSAS AGRICULTURE HALL OF FAME INDUCTEES

● Mrs. LINCOLN. Mr. President, today I congratulate the 2010 inductees to the Arkansas Agriculture Hall of Fame for their significant contributions to Arkansas agriculture, as well as community and economic development. The Arkansas Agriculture Hall of Fame is sponsored by the Arkansas State Chamber of Commerce and Arkansas Farm Bureau.

This year's recipients are a distinguished group, comprised of Arkansas leaders in beef cattle, conservation, crop production, and extension efforts.

Philip Alford Jr. of Lewisville, Lafayette County, is a founding member of the Arkansas Cattlemen's Association. He introduced stocker cattle grazing operations and, by organizing drainage districts, helped convert thousands of acres of nonproductive bottomland into productive crop and pasture land.

Devoe Bollinger of Horatio, Sevier County, led the effort to eradicate brucellosis from cattle herds in the State. Bollinger's career has been devoted to improving the image of the cattle rancher. He served three terms on the Arkansas Livestock and Poultry Commission, two of those as chairman.

Mark Bryles of Blytheville, Mississippi County, led a significant increase of cotton acreage while serving as an extension agent in Mississippi County. His career as an agent with the University of Arkansas Division of Agriculture Cooperative Extension Service spanned 35 years, 22 of those in Mississippi County. He has received numerous awards for his leadership, innovation and service.

Jack Jones of Pottsville, Pope County, helped create the LeadAR program in Arkansas. Jones is a second-generation farmer and rancher from Pope County and has given much of his adult life serving the State's largest industry. He spent 24 years on the Arkansas Farm Bureau board of directors, 17 of those as vice president.

Leonard Sitzer of Weiner, Poinsett County, developed one of the most successful rice farming operations in northeast Arkansas. Sitzer's life is a testament to hard work, dedication, and leadership. With only a 10th-grade education, he returned from duty in World War II to build one of the most successful rice farming operations in Poinsett County. He spent 33 years on the Riceland Foods board of directors.

Mr. President, as a seventh-generation Arkansan and farmer's daughter and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our Arkansas farmers. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing $9.1 billion in wages and salaries. In total, agriculture contributes roughly $15.9 billion to the Arkansas economy each year.

I salute this year's inductees to the Arkansas Agriculture Hall of Fame and all Arkansas farmers and ranchers for their hard work and dedication.●

RECOGNIZING KING'S HILL INN

● Ms. SNOWE. Mr. President, today I wish to honor a Maine small business that has patriotically devoted itself to giving members of our Nation's military a relaxing surprise by providing Maine soldiers home from the warfront with a comforting night's stay in the picturesque western Maine town of Paris. Opened by Janice and Glenn Davis in 1999, the King's Hill Inn is a beautiful Victorian inn surrounded by scenic mountains and lakes in historic and peaceful Oxford County. And for Maine soldiers who have just returned from a theater of war, the King's Hill Inn simply promises ''. . . the best, quietest night's sleep with their loved one, far from the cold battlefield.''

This historic inn got its start in 1998 when Janice and Glenn Davis bought and restored the farm property, which was the 1811 birthplace of Horatio King, who served as Postmaster General under President James Buchanan. The rural town of Paris, frequently known as the home of King and Hannibal Hamlin, President Abraham Lincoln's first Vice President and a prominent Maine political figure, is also recognized for its panoply of natural wonders, many of which are accessible from King's Hill Inn. From the inn, guests can experience much of Maine's serene landscape which includes the beautiful Oxford Hills region, the exciting Saco River, as well as area mines that celebrate Maine's gem and mineral concentrations. The inn offers guests six stunning suites, each with a unique and charming setting—perfect for a weekend getaway.

To give back to our Nation's bravest men and women who have served overseas, the King's Hill Inn offers a free overnight stay with a complimentary breakfast for each Maine soldier returning from the warfront and his or her significant other. In addition, the Davises offer a 28-percent discount to ''all military personnel stationed around the world'' in honor of their 28-year-old son CAPT Aaron Davis, a member of the U.S. Air Force who has served in Afghanistan. The Davises also work with various local business owners wishing to make donations of their own to the soldiers spending the night at the King's Hill Inn, including restaurants offering a free dinner and florists providing beautiful floral arrangements.

After experiencing firsthand how difficult it was to part with her son when he was leaving to serve a year in the war in Afghanistan, Janice realized how such departures would be even more heartbreaking for the spouses of active-duty military personnel. Her objective in offering this magnanimous promotion is to provide soldiers with ''. . . that escape from the war front and that reunification with their spouse or loved one. My goal is that it will start a grassroots effort right here in Western Maine that will spread all the way to California, where my son is.''

The King's Hill Inn has truly offered a noble gift to our servicemen and women who have sacrificed so much for

the people of our great Nation. I am hopeful that this gracious altruism will be mirrored in the actions of other businesses, small and large, wishing to make a positive difference for some of the most deserving members of our communities. I offer my sincerest thanks to the the Davises for their compassionate and philanthropic support of our military personnel and offer my best wishes for the future success of King's Hill Inn.●

MESSAGES FROM THE HOUSE

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2968. An act to make certain technical and conforming amendments to the Lanham Act.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4247. An act to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes.

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2554. An act to reform the National Association of Registered Agents and Brokers, and for other purposes.

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. 236. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

At 5:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

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

H.R. 2554. An act to reform the National Association of Registered Agents and Brokers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4247. An act to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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–4888. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Commodity Supplemental Food Program (CSFP): Amendment Removing Priority Given to Women, Infants, and Children before the Elderly in Program Participation'' (RIN0584–AD93) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4889. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Exclusion of Certain Military Pay From Deemed Income and Resources'' (RIN0960–AF97) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Finance.

EC–4890. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report entitled ''Report to Congress on a Plan for an Indian Head Start Study''; to the Committee on Indian Affairs.

EC–4891. A communication from the Deputy Chief of the Regulatory Products Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Professional Conduct for Practitioners: Rules, Procedures, Representation, and Appearances'' (RIN1601–AA58) received in the Office of the President of the Senate on March 1, 2010; to the Committee on the Judiciary.

EC–4892. A communication from the President and Chief Scout Executive, Boy Scouts of America, transmitting, pursuant to law, the organization's 2009 annual report; to the Committee on the Judiciary.

EC–4893. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Grand Junction, CO'' ((RIN2120–AA66) (Docket No. FAA–2009–0941)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4894. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Graford, TX'' ((RIN2120–AA66) (Docket No. FAA–2009–0927)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4895. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Hinesville, GA'' ((RIN2120–AA66) (Docket No. FAA–2009–0960)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4896. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Area Navigation (RNAV) Route Q–108; Florida'' ((RIN2120–AA66) (Docket No. FAA–2009–0885)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4897. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties'' (RIN2127–AK40) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4898. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Crash Protection'' (RIN2127–AK57) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4899. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Requirements and Procedures for Consumer Assistance to Recycle and Save Program'' (RIN2127–AK67) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4900. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components'' (RIN2127–AK60) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4901. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Insurer Reporting Requirements; List of Insurers Required to File Reports'' (RIN2127–AK46) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4902. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors With a Sport Pilot Rating'' ((RIN2120–AJ10) (Docket No. FAA–2007–29015)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4903. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Filtered Flight Data'' ((RIN2120–AI79) (Docket No. FAA–2006–26135)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4904. A communication from the Senior Regulation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Alcohol Testing Form and Drug and Alcohol Management Information Systems Form Updates'' (RIN2105–AD84) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4905. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Procedures for Non-Evidential Alcohol Screening Devices'' (RIN2105–AD64) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4906. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information'' (RIN2105–AD67) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4907. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Administrative Procedures, Address Updates, and Technical Amendments'' (RIN2137–AE29) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4908. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Miscellaneous Packaging Amendments'' (RIN2137–AD89) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4909. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (36); Amdt. No. 3359'' (RIN2120–AA65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4910. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (84); Amdt. No. 3360'' (RIN2120–AA65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4911. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (42); Amdt. No. 3361'' (RIN2120–AA65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4912. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0717)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4913. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 2S1 Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0568)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4914. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SICLI Halon 1211 Portable Fire Extinguishers as Installed on Various Airplanes and Rotorcraft'' ((RIN2120–AA64) (Docket No. FAA–2010–0126)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4915. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0793)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4916. A communication from the Paralegal Specialist, 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; Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes; and Model A340–541 and –642 Airplanes '' ((RIN2120–AA64) (Docket No. FAA–2009–0782)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4917. A communication from the Paralegal Specialist, 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–2009–0912)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4918. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS332L1, AS332L2, and EC225LP Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2009–1146)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 38. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes (Rept. No. 111–157).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency.

*Sandford Blitz, of Maine, to be Federal Cochairperson of the Northern Border Regional Commission.

*Earl F. Gohl, Jr., of the District of Columbia, to be Federal Cochairman of the Appalachian Regional Commission.

*William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2011.

*William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2015 .

*William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2010.

*George Apostolakis, of Massachusetts, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2014.

*Marilyn A. Brown, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

*William B. Sansom, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

*Neil G. McBride, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2013.

*Barbara Short Haskew, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

By Mr. LEAHY for the Committee on the Judiciary.

Gloria M. Navarro, of Nevada, to be United States District Judge for the District of Nevada.

Jon E. DeGuilio, of Indiana, to be United States District Judge for the Northern District of Indiana.

Audrey Goldstein Fleissig, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Lucy Haeran Koh, of California, to be United States District Judge for the Northern District of California.

Tanya Walton Pratt, of Indiana, to be United States District Judge for the Southern District of Indiana.

Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BENNET:

S. 3071. A bill to provide for a freeze on the pay of Members of Congress and appropriations for certain congressional offices until there are sufficient improvements in the national unemployment rate, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER:

S. 3072. A bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. FRANKEN, Ms. STABENOW, and Mr. DURBIN):

S. 3073. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. VITTER, Mr. THUNE, Mr. COBURN, Mr. ISAKSON, and Mr. JOHANNS):

S. 3074. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3075. A bill to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 3076. A bill to direct the Secretary of the Interior to conduct studies of natural soundscape preservation in the National Park Service; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself, Mr. ROBERTS, Mr. ISAKSON, and Mrs. HUTCHISON):

S. 3077. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WHITEHOUSE, Mr. REED, and Mr. SANDERS):

S. 3078. A bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. PRYOR, Mr. BROWN of Ohio, Ms. STABENOW, Mr. SANDERS, and Mr. CARDIN):

S. 3079. A bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself, Mr. CASEY, and Mr. BROWN of Ohio):

S. 3080. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. CHAMBLISS, Mr. LEMIEUX, Mr. SESSIONS, and Mr. VITTER):

S. 3081. A bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BINGAMAN, Mr. ROCKEFELLER, and Ms. MIKULSKI):

S. Res. 434. A resolution expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver; considered and agreed to.

By Mr. CASEY (for himself, Ms. SNOWE, Mr. LAUTENBERG, Mr. DORGAN, Mr. SPECTER, Mr. KERRY, Mr. BEGICH, Mr. MENENDEZ, Mr. BAYH, and Mr. DODD):

S. Res. 435. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; considered and agreed to.

By Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. REED, and Mr. BROWN of Massachusetts):

S. Res. 436. A resolution expressing support for the people affected by the natural disasters on Madeira Island; considered and agreed to.

By Mr. KERRY (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. CASEY, Mr. GRAHAM, and Mr. KAUFMAN):

S. Res. 437. A resolution expressing the sense of the Senate regarding the positive effect of the upcoming Iraqi parliamentary elections on Iraq's political reconciliation and democratic institutions; considered and agreed to.

By Mr. REED (for himself and Ms. COLLINS):

S. Res. 438. A resolution designating March 2, 2010, as ''Read Across America Day''; considered and agreed to.

By Mr. ENSIGN:

S. Res. 439. A resolution recognizing the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas in capturing Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq, and pledging to continue to support members of the United States Armed Forces serving in harm's way; to the Committee on Armed Services.

By Mr. BENNET:

S. Res. 440. A resolution improving the Senate cloture process; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself, Ms. COLLINS, Mrs. SHAHEEN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mrs. MURRAY, Mrs. HUTCHISON, Mr. DURBIN, Mrs. LINCOLN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. BURRIS, Mrs. GILLIBRAND, Ms. STABENOW, and Ms. LANDRIEU):

S. Res. 441. A resolution recognizing the history and continued accomplishments of women in the Armed Forces of the United States; considered and agreed to.

By Mr. DURBIN (for himself, Mr. CARDIN, Mr. WICKER, Mr. LUGAR, and Mr. BYRD):

S. Res. 442. A resolution congratulating the people of the Republic of Lithuania on the Act of the Re-Establishment of the State of Lithuania, or Act of March 11, and celebrating the rich history of Lithuania; considered and agreed to.

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

S. Res. 443. A resolution honoring the life and service of Enrique ''Kiki'' Camarena; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 444. A resolution to authorize testimony and legal representation in City of Vancouver v. Galloway; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 445. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

ADDITIONAL COSPONSORS

S. 384

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 448

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 704

At the request of Mr. BURR, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 704, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 828, a bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. CHAMBLISS) 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. 1579

At the request of Mr. BYRD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1579, a bill to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2786

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2786, a bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing late fees on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for other purposes.

S. 2895

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2895, a bill to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, and for other purposes.

S. 2977

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2977, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3008

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. COBURN) was withdrawn as a cosponsor of S. 3008, a bill to establish a program to support a transition to a freely elected, open democracy in Iran.

S. 3028

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3028, a bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program.

S. 3040

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3040, a bill to amend the Richard B. Russell National School Lunch Act to provide children from rural areas with better access to meals served through the summer food service program for children and certain child care programs.

S. 3047

At the request of Mr. ISAKSON, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3047, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S.J. RES. 27

At the request of Mr. DEMINT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed ''Anti-Homosexuality Bill'', and for other purposes.

S. RES. 433

At the request of Mrs. SHAHEEN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Delaware (Mr. KAUFMAN), the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 433, a resolution supporting the goals of ''International Women's Day''.

AMENDMENT NO. 3337

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 3337 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3341

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 3341 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3342

At the request of Mr. WEBB, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Washington (Mrs. MURRAY), the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3342 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3351

At the request of Mr. REED, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Maine (Ms. COLLINS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 3351 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3354

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 3354 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3366

At the request of Mr. LEMIEUX, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 3366 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3368

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3368 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3371

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 3371 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3375

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3375 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3377

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3377 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3380

At the request of Mr. NELSON of Florida, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 3380 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3391

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 3391 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3393

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 3393 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3395

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 3395 intended to be proposed to H. R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3396

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of amendment No. 3396 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3397

At the request of Mr. ROCKEFELLER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 3397 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. KLOBUCHAR, Mr. BROWN, of Ohio, Mr. FRANKEN, Ms. STABENOW, and Mr. DURBIN):

S. 3073. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

Mr. LEVIN. Today, I introduced the Great Lakes Ecosystem Protection Act as co-chair of the Great Lakes Task Force with Senator GEORGE VOINOVICH and several of our colleagues here in the Senate and in the House. This bill is important for our efforts to protect and restore the Great Lakes now and for future generations. The Great Lakes are vital not only to Michigan but to the nation. Roughly 1/10 of the U.S. population lives in the Great Lakes basin and depends daily on the lakes. The Great Lakes provide drinking water to 40 million people in the U.S. and Canada. They provide the largest recreational resource for their 8 neighboring States. They form the largest body of freshwater in the world, containing roughly 18 percent of the world's total. Only the polar ice caps contain more freshwater. They are critical for our economy by helping move natural resources to the factory and to move products to market.

While the environmental protections that were put in place in the early 1970s have helped the Great Lakes make strides toward recovery, a 2003 GAO report made clear that there is much work still to do. That report stated: ''Despite early success in improving conditions in the Great Lakes Basin, significant environmental challenges remain, including increased threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats.'' More recently, many scientists reported that the Great Lakes are exhibiting signs of stress due to a combination of sources, including toxic contaminants, invasive species, nutrient loading, shoreline and upland land use changes, and hydrologic modifications. A 2005 report from a group of Great Lakes scientific experts states that ''historical sources of stress have combined with new ones to reach a tipping point, the point at which ecosystem-level changes occur rapidly and unexpectedly, confounding the traditional relationships between sources of stress and the expected ecosystem response.''

Asian carp represents a massive threat and a number of important actions are required to deal with it. The zebra mussel, an aquatic invasive species, caused $3 billion in economic damage to the Great Lakes from 1993 to 2003. In 2000, 7 people died after pathogens entered the Walkerton, Ontario drinking water supply from the lakes. In May of 2004, more than 10 billion gallons of raw sewage and storm water were dumped into the Great Lakes. In that same year, more than 1,850 beach closures in the Great Lakes. Each summer, Lake Erie develops a 6,300 square mile dead zone. There is no appreciable natural reproduction of lake trout in the lower four lakes. More than half of the Great Lakes region's original wetlands have been lost, along with 60 percent of the native forests. Wildlife habitat has been destroyed, diminishing opportunities necessary for fishing, hunting and other forms of outdoor recreation.

These problems have been well known for several years, and this bill is an effort to address those problems. First, the bill authorizes the President's Great Lakes Restoration Initiative, a multi-agency effort, which provides the needed federal funds to federal programs as well as non-federal partners through grants.

Building on past success, there are a number of programs that need to be authorized and reauthorized in federal law. For instance, the bill authorizes the Great Lakes Interagency Task Force, established by Executive Order in 2004, so that the many federal agencies operating in the Great Lakes will coordinate with each other. Restoring the Great Lakes involves many stakeholders including the Federal Government, states, cities, tribes and others, and Congress needs to be sure that the Federal agency efforts are in order.

The bill also reauthorizes and expands the Great Lakes Legacy program which has been extremely successful and has cleaned up about 900,000 cubic yards of contaminated sediments at Areas of Concern throughout the Great Lakes. This is a partnership program which requires a non-federal cost-share to address the legacy of contaminated sediment in our region. The Legacy program expires at the end of 2010.

The bill reauthorizes the EPA's Great Lakes National Program Office which has been and will continue to be a key to moving forward with Great Lakes protection and restoration. This office has been the lead in renegotiating the Great Lakes Water Quality Agreement, implementing the Great Lakes Legacy program, and implementing its own grant program.

Finally, the Great Lakes region needs a process for advising the EPA and other Federal agencies on Great Lakes matters. While there have been various advisory groups that have been pulled together over the years, there has never been a standing advisory entity, and that has been a gap in the governance and management of the Great Lakes. This bill authorizes a new advisory group to provide expertise to the EPA on goals and priorities for Great Lakes restoration and protection.

The Great Lakes are a unique American treasure. We are but their temporary stewards. We must be good stewards by doing all we can to ensure that the Federal Government meets its ongoing obligation to protect and restore the Great Lakes.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3075. A bill to withdraw certain Federal land and interests in that land from location, entry, and patent under

the mining laws and disposition under the mineral and geothermal leasing laws; to the Committee on Energy and Natural Resources.

Mr. BAUCUS. Mr. President, today I rise to talk about one of the most magnificent, the most inspiring places on Earth, the Flathead region of Montana. The landscape in this area is so vast, so unique, it is hard to put into words. But let me feebly attempt to describe the aura of colors you see as the Sun rises over the deep blue of Lake McDonald. Words cannot capture the joyful screams of families shooting down the Middle Fork of the Flathead through rapids with names like ''Bone Crusher'' and ''Could be Trouble.''

Words cannot do justice to the awe that comes from almost touching Montana's legendary Big Sky at the top of Heavens Peak. The Flathead region, there is nothing like it. It is the crown of the continent. It is God's country. It is Montana.

There is one particular area of this region that holds a special place in my heart; that is, the North Fork of the Flathead River. When I was a freshman Member of the House of Representatives, I took a hike with my friends, Jack Stanford and Ric Hauer, to the top of Mount Harding.

Mount Harding is a little ways from the Flathead River, but this hike captured the feelings I have for the area. Thirty-five years ago, I still remember that hike, and I am not alone.

Similar to everyone who ventures into the Flathead, every Montanan, every American, every Canadian, everyone who happens to be touched by the beauty of this place could not help but be stunned by the beauty of a place carved by glaciers a millennia ago and still untouched by modern development.

That day on the Flathead, each of us knew we must do everything we could to protect this one-of-a-kind landscape for our children and our children' children. I would say, at that time, 35 years ago as a Member of the House, very proudly enacted the first multiyear environmental impact statement baseline study so we could assess what future impacts might be in the area, whether it was Federal, State, private or from British Columbia, just north, whatever it might be, so we knew what we had to do to protect the area.

That promise has not always been easy to keep. Back then, I was so determined to protect this area, I flew up to Toronto and met with a fellow named Ron Sadler. Rod Sadler was president of Sage Creek.

I was like a young lawyer, armed with tons of questions and depositions, and kept asking him—I kept asking him all these questions: What is your intention here? What is your intention there? This is such a special place. He is like: Why are you asking me all those questions?

I explained: This is so special, I am going to do everything I can to protect it. The reason is because of the potential mining across the border, the place where all the water and the pollution would flow south into the North Fork of the Flathead. All the environmental degradation from that flowed south, but all the economic benefit would flow north. So, for me, I will not let this happen. I said to myself: I am going to protect this as much as I possibly can.

For decades, the Flathead has been threatened by mining proposals in British Columbia. Over the years, coal mining, coalbed methane extraction, and gold mining have all been successfully beaten back. It has been a coordinated effort, one I am very proud to be a part of, to help protect the area. We have been working so hard.

Finally, the Premier of British Columbia made a historic decision. He persuaded his Parliament to pass a resolution to protect and prevent any mining development in the North Fork. He made that on the eve of the Olympics. The Olympics—Mount Whistler and that part, the southern part of British Columbia, he made that decision just before the Olympics. I was overjoyed. I called him up, and I said: Mr. Premier, I cannot tell you how happy I am that you have done this. It means so much to Montanans, and we will do our part too.

That is when I told him my plan. My plan, the legislation Senator TESTER and I introduced today, will ban future mining, oil and gas, and coalbed methane development on the American side of the border; that is, in the Flathead National Forest, a portion of the North Fork watershed which is over 90 percent federally owned. Senator TESTER and I have also pledged to work to retire the existing leases to protect this area once and for all.

Many folks know about a book written by Norman McLean. Norman McLean wrote a story about Montana entitled ''A River Runs Through It.'' Though McLean's story focuses on another Montana river, the Blackfoot, also very special, I think the final line from his book resonantes here as well. This is what McLean wrote:

> Eventually, all things merge into one, and a river runs through it. The river was cut by the world's great flood, and runs over rocks from the basement of time. . . . I am haunted by waters.

I am very proud to be here today to introduce the North Fork Watershed Protect Act and ask my colleagues to join me in preserving these waters and the land that surrounds them so that every generation across the country, across the world, has the privilege of being so haunted by Montana's waters.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WHITEHOUSE, Mr. REED, and Mr. SANDERS):

S. 3078. A bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to create a Health Insurance Rate Authority and rate review process to protect American consumers from unfair health insurance rate increases.

This legislation is based on an amendment I filed during the health reform debate. While it was not included in the reform legislation that passed the Senate, I strongly believe consumers need additional protections from insurance company abuses now.

I am pleased that President Obama has included it in his health reform proposal, and I look forward to continuing to work with the administration to see that this bill becomes law.

This bill ensures that all American consumers are protected by a rate review process, not just those in states with aggressive laws.

This legislation requires companies to submit justifications for unreasonable increases in premiums, using a process that will be established by the Secretary, in conjunction with States.

The bill gives the Secretary of HHS authority to deny or modify premium increases or other rate increases, like deductibles, that are found to be unjustified. State Insurance Commissioners will retain this power in states in which they have sufficient authority and capability.

To help the Secretary with this process, the legislation establishes a Health Insurance Rate Authority as an advisory body for all the Secretary's rate review responsibilities.

Health insurance companies continue to demonstrate their willingness to slap consumers with astronomical increases in their health insurance rates.

Anthem Blue Cross has notified thousands of Californians that they will face rate increases of as much as 39 percent. Meanwhile, WellPoint, the corporate parent of Anthem Blue Cross, earned a $4.7 billion profit in 2009.

I find this unbelievable. Imagine the typical family, or individual, trying to find the money to pay 39 percent more for health care coverage. Especially during these difficult economic times, with so much uncertainty. Meanwhile, the health insurance company is doing better than ever.

I would like to share a few of the letters and comments I have received from Californians that vividly describe what these increases mean to them.

Arthur Hirsch, 63, and his wife Eileen have had Blue Cross for 30 years. They live in Laguna Beach and own a small business. They recently received notice that their monthly premiums would increase from $787 per month to $1,035 per month. Arthur said he was told that he could raise his annual deductible to $5,000 or higher to keep the premium increases down. But he said he fears he is stuck with the policy. He said: ''I can't leave my assets and my family uncovered. If something happens . . . well that's what insurance is about.''

A Monterey, CA couple recently found out their premiums with Anthem

Blue Cross will increase 36 percent—from $734 a month to $998 a month. They own an antique print business. The economy has hurt sales—their 2008 gross household income was $42,000, and they don't expect their income will increase much in 2009 or 2010. More than 25 percent of their household income goes toward premiums—far more than their mortgage. They are wondering if they should go into debt, use the equity in their home or withdraw money from their retirement accounts to pay for the rate hikes. Because of pre-existing conditions, the woman is a breast cancer survivor, they don't believe they can get a more affordable policy elsewhere.

A family of four from Pacific Palisades, California, has a $5,000 per person deductible. They pay $917 per month premiums for the family—$11,000 per year. Their insurance plus out of pocket expenses were more than 25 percent of the family's gross income for each of the past 2 years and no member of the family ever satisfied the deductible. They just received notice that their premium will go up 38 percent, to $1,263 per month. Anthem offered this family another deal: increase premium payments just 10 percent to $1,011 a month if the family agrees to an increased deductible of $7,500 per person. The father in the family hasn't had a checkup in 6 years. He's 56 years old.

This is not how our system should function.

In some States, insurance commissioners have the authority to review health insurance rates and increases, and block the rates that are found to be unjustified. According to a 2008 Families USA report, 33 States have some form of a prior approval process for premium increases.

The same report describes several notable successes among states that use this process, including: Regulators in North Dakota were able to reduce 37 percent of the proposed rate increases filed by insurers.

Maryland used their State laws to block a 46 percent premium increase after a company charged artificially low rates for 2 years. The decision was upheld in court.

New Hampshire regulators were able to reduce a proposed 100 percent rate increase to 12.5 percent.

But in other States, including California, insurance commissioners do not have this ability. Instead, my State's insurance commissioner has had to ask Anthem/Blue Cross to delay its proposed increase in premiums. He has no authority to order this delay.

Some States have laws like this on the books, but do not have sufficient resources to review all the rate changes that insurance companies propose.

Consumers deserve full protection from unfair rate increases, no matter where they live.

This legislation ensures that all Americans have some level of basic protection. The bill is based in part on a provision included in the Senate's version of health reform legislation, which required insurance companies to submit justifications and explain increases in premiums. They must submit these justifications to the Secretary of Health and Human Services, and they must make these justifications available on their website.

The bill asks the National Association of Insurance Commissioners to produce a report, detailing the rate review laws and capabilities in all 50 States. The Secretary of HHS will then use these findings to determine which States have the authority and capability to undertake sufficient rate reviews to protect consumers.

In States where Insurance Commissioners have authority to review rates, they will continue to do so.

In States without sufficient authority or resources, the Secretary of HHS will review rates, and take any appropriate action to deny unfair requests.

This could mean blocking unjustified rate increases, or requiring rebates, if an unfair increase is already in effect.

This will provide all American consumers with another layer of protection from an unfair premium increase.

The amendment would also require the Secretary of Health and Human Services to establish a Health Insurance Rate Authority as part of the process in the bill that enables her to monitor premium costs.

The Rate Authority would advise the Secretary on insurance rate review and would be composed of seven officials that represent the full scope of the health care system including: at least two consumers; at least one medical professional; and one representative of the medical insurance industry.

The remaining members would be experts in health economics, actuarial science, or other sectors of the health care system.

The Rate Authority will also issue an annual report, providing American consumers with basic information about how insurance companies are behaving in the market. It will examine premium increases by State, as well as medical loss ratios, reserves and solvency of companies, and other relevant behaviors.

This data will give consumers better information, enabling them to make better choices and avoid purchasing plans from companies that do not provide them the best value for their dollar.

This concern about premium increases stems from the fact that we are the only industrialized nation that relies heavily on a for-profit medical insurance industry to provide basic health care. I believe, fundamentally, that all medical insurance should be not for profit.

The industry is focused on profits, not patients. It is heavily concentrated, leaving consumers with few alternatives when their premiums do increase.

As of 2007, just two carriers—WellPoint and UnitedHealth Group—had gained control of 36 percent of the national market for commercial health insurance.

Since 1998, there have been more than 400 mergers of health insurance companies, as larger carriers have purchased, absorbed, and enveloped smaller competitors.

In 2004 and 2005 alone, this industry had 28 mergers, valued at more than $53 billion. That is more merger activity in health insurance than in the 8 previous years combined.

Today, according to a study by the American Medical Association, more than 94 percent of American health insurance markets are highly concentrated, as characterized by U.S. Department of Justice guidelines. This means these companies could raise premiums or reduce benefits with little fear that consumers will end their contracts and move to a more competitive carrier.

In my State of California just two companies, WellPoint and Kaiser Permanente, control more than 58 percent of the market. In Los Angeles, the top two carriers controlled 62 percent of the market as of 2008.

Record levels of market concentration have helped generate a record level of profit increases.

Between 2000 and 2007, profits at 10 of the largest publicly-traded health insurance companies soared 428 percent—from $2.4 billion in 2000 to $12.9 billion in 2007.

The CEOs at these companies took in record earnings. In 2007, these 10 CEOs made a combined $118.6 million.

The CEO of CIGNA took home $25.8 million.

The CEO of Aetna took home $23 million.

The CEO of UnitedHealth took home $13.2 million and the CEO of WellPoint took home $9.1 million.

Even last year, a time of enormous economic distress for average Americans, was a good year for the health insurance industry. According to Health Care for America Now!, the 5 largest health insurers—WellPoint, United Health, Humana, Cigna, Aetna—saw profits increase 56 percent from 2008 to 2009, from $7.7 billion to $12.1 billion. Only Aetna saw their profits decrease.

Yet we see insurance companies like Anthem/Blue Cross, owned by Well Point, increasing consumer premiums.

Frankly, I would go further than this legislation if I could: I believe the health insurance industry should be non-profit. There is no reason that any company or shareholder should make a penny off of basic health care coverage for our citizens.

But we do have a system that heavily relies on for-profit insurance companies. Regardless of the outcome of the broader debate on health care reform, that is unlikely to change.

So this bill becomes very necessary. Premiums are increasing every day, and people in many states have no recourse, and no way to know if a particular increase is unfair.

This cannot continue. I urge my colleagues to join me in supporting this legislation.

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. 3078

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 ''Health Insurance Rate Authority Act of 2010''.

SEC. 2. ENSURING THAT CONSUMERS GET VALUE FOR THEIR DOLLARS.

(a) IN GENERAL.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.) is amended by adding at the end the following:

''SEC. 2793. ENSURING THAT CONSUMERS GET VALUE FOR THEIR DOLLARS.

''(a) INITIAL RATE REVIEW PROCESS.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—The Secretary, in conjunction with States, shall establish a uniform process for the review, beginning with the 2011 plan year, of potentially unreasonable increases in rates for health insurance coverage, which shall include premiums.

''(B) ELECTRONIC REPORTING.—The process established under subparagraph (A) shall include an electronic reporting system established by the Secretary through which health insurance issuers shall—

''(i) report to the Secretary and State insurance commissioners the information requested by the Secretary pursuant to this subsection; and

''(ii) submit data to the uniform data collection system in accordance with paragraph (6)(A).

''(C) AUTHORITY OF STATES.—Nothing in subparagraph (A) or (B) shall be construed to prohibit a State from imposing additional requirements on health insurance issuers with respect to increases in rates for health insurance coverage, including with respect to reporting information to a State.

''(2) JUSTIFICATION AND DISCLOSURE.—The process established under paragraph (1) shall require health insurance issuers to submit to the Secretary and the relevant State a justification for a potentially unreasonable rate increase prior to the implementation of the increase. Such issuers shall prominently post such information on their Internet websites. The Secretary shall ensure the public disclosure of information on such increases and justifications for all health insurance issuers.

''(3) HEALTH INSURANCE RATE AUTHORITY.—

''(A) IN GENERAL.—The Secretary shall establish a Health Insurance Rate Authority (referred to in this paragraph as the 'Authority') to be composed of 7 members to be appointed by the Secretary, of which—

''(i) at least 2 members shall be a consumer advocate with expertise in the insurance industry;

''(ii) at least 1 member shall be an individual who is a medical professional;

''(iii) at least 1 member shall be a representative of health insurance issuers; and

''(iv) such remaining members shall be individuals who are recognized for their expertise in health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, and other related fields, who provide broad geographic representation and a balance between urban and rural members.

''(B) ROLE.—In addition to the other duties of the Authority set forth in this subsection, the Authority shall advise and make recommendations to the Secretary concerning the Secretary's duties under this subsection.

''(4) CORRECTIVE ACTION FOR UNREASONABLE RATE INCREASES.—

''(A) IN GENERAL.—Pursuant to the procedures set forth in this paragraph, the Secretary or the relevant State insurance commissioner shall—

''(i) in accordance with the process established under paragraph (1), review potentially unreasonable increases in rates and determine whether such increases are unreasonable; and

''(ii) take action to ensure that any rate increase found to be unreasonable under clause (i) is corrected, through mechanisms including—

''(I) denial of the rate increase;

''(II) modification of the rate increase;

''(III) ordering rebates to consumers; or

''(IV) any other actions that correct for the unreasonable increase.

''(B) REQUIRED REPORT; DEFINITION.—The Secretary shall ensure that, not later than 6 months after the date of enactment of this section, the National Association of Insurance Commissioners (referred to in this section as the 'Association'), in conjunction with States, or other appropriate body, will provide to the Secretary and the Authority—

''(i) a report on—

''(I) State authority to review rates and take corrective action in each insurance market, and methodologies used in such reviews;

''(II) rating requests received by the State in the previous 12 months and subsequent actions taken by States to approve, deny, or modify such requests; and

''(III) justifications by insurance issuers for rate requests; and

''(ii)(I) a recommended definition of unreasonable rate increase, which shall consider a lack of actuarial justification for such increase; and

''(II) other recommended definitions for the purposes of carrying out this subsection.

''(C) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—Using the report submitted pursuant to subparagraph (B), the Secretary shall determine not later than 1 year after the date of enactment of this section and periodically thereafter—

''(i) for which States the State insurance commissioner shall undertake the actions described in subparagraph (A)—

''(I) based on the Secretary's determination that the State has sufficient authority and capability to deny rates, modify rates, provide rebates, or take other corrective actions; and

''(II) as a condition of receiving a grant under subsection (c)(1); and

''(ii) for which States the Secretary shall undertake the actions described in subparagraph (A), in consultation with the relevant State insurance commissioner, based on the Secretary's determination that such States lack the authority and capability described in clause (i).

''(D) TRANSITION PERIOD.—Until the Secretary makes the determinations described in subparagraph (C), the relevant State insurance commissioner shall, as a condition of receiving a grant under subsection (c)(1), carry out the actions described in subparagraph (A) to the extent permissible under State law.

''(5) PRIORITIZING POTENTIALLY UNREASONABLE RATE INCREASES FOR REVIEW.—The Secretary or the relevant State insurance commissioner may prioritize—

''(A) rate increases that will impact large numbers of consumers;

''(B) rate reviews requested from States, if applicable; and

''(C) rate reviews in the individual and small group markets.

''(6) ANNUAL REPORT.—

''(A) UNIFORM DATA COLLECTION SYSTEM.—The Secretary, in consultation with the Association and the Authority, shall develop, and may contract with the Association to operate, a uniform data collection system for new and increased rate information, which shall include information on rates, medical loss ratios, consumer complaints, solvency, reserves, and any other relevant factors of market conduct.

''(B) PREPARATION OF ANNUAL REPORT.—Using the data obtained in accordance with subparagraph (A), the Authority shall annually produce a single, aggregate report on insurance market behavior, which includes at least State-by-State information on rate increases from one year to the next, including by health insurance issuer and by market and including medical trends, benefit changes, and relevant demographic changes.

''(C) DISTRIBUTION.—The Authority shall share the annual report described in subparagraph (B) with States, and include such report in the information disclosed to the public.

''(b) CONTINUING RATE REVIEW PROCESS.—As a condition of receiving a grant under subsection (c)(1), a State, through the applicable State insurance commissioner, shall provide the Secretary with information about trends in rate increases in health insurance coverage in premium rating areas in the State, in accordance with the uniform data collection system established under subsection (a)(6)(A).

''(c) GRANTS IN SUPPORT OF PROCESS.—

''(1) RATE REVIEW GRANTS.—The Secretary shall carry out a program to award grants to States beginning with fiscal year 2010 to assist such States in carrying out subsection (a), including—

''(A) in reviewing and, if appropriate under State law, approving or taking corrective action with respect to rate increases for health insurance coverage; and

''(B) in providing information to the Secretary under subsection (b).

''(2) FUNDING.—

''(A) IN GENERAL.—There is authorized to be appropriated to the Secretary $250,000,000, to be available for expenditure for grants under paragraph (1).

''(B) ALLOCATION.—The Secretary shall establish a formula for determining the amount of any grant to a State under this subsection. Under such formula—

''(i) the Secretary shall consider the number of plans of health insurance coverage offered in each State and the population of the State; and

''(ii) no State qualifying for a grant under paragraph (1) shall receive more than $5,000,000 for a grant year.

''(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount authorized under subsection (c)(2), there are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2010 and such sums as may be necessary for each subsequent fiscal year.''.

(b) ENFORCEMENT.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) in section 2722—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''and section 2793'' after ''this part''; and

(ii) in paragraph (2), by inserting ''or section 2793'' after ''this part''; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''and section 2793'' after ''this part''; and

(ii) in paragraph (2), by inserting ''or section 2793'' after ''this part'' each place such term appears; and

(2) in section 2761—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''and section 2793'' after ''this part''; and

(ii) in paragraph (2)—

(I) by inserting ''or section 2793'' after ''set forth in this part''; and

(II) by inserting ''and section 2793'' after ''the requirements of this part''; and

(B) in subsection (b)—

(i) by inserting ''and section 2793'' after ''this part''; and

(ii) by inserting ''and section 2793'' after ''part A''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

By Mr. MERKLEY (for himself, Mr. PRYOR, Mr. BROWN of Ohio, Ms. STABENOW, Mr. SANDERS, and Mr. CARDIN):

S. 3079. A bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, I rise today to introduce legislation to help create jobs and lower energy bills for businesses and multi-family residences. This bill would create a program called Building Star, designed to promote energy-saving commercial building renovations through rebates and low-cost financing options.

I believe, as do many of my colleagues, that energy efficiency should be a central component of our national energy policy because energy efficiency creates jobs, reduces our dependence on foreign oil, and reduces the pollution of our air and water. Central to the program we are proposing today is its ability to help businesses afford the upfront costs of energy-efficient renovations by helping state and local programs offer low-interest loans that can be paid back through savings on energy bills.

As we take action to put Americans back to work, we need to set our sights on programs that provide the biggest bang for our buck in terms of immediate job creation and set our economy up for future growth. Clean energy is not only the next great growth industry, but it's an engine for job creation today. Energy-efficiency programs like Building Star will put Americans to work in construction and manufacturing and save small businesses money as we strive for American energy independence.

I would like to thank Senator PRYOR for his leadership on this bill as well as Senators STABENOW, BROWN, and SANDERS in joining the push for a commonsense idea that can create jobs right away and pave the way for future growth in America's clean energy industry.

I would also like to recognize Senator WARNER's great leadership in developing Home Star, a parallel program that offers energy-efficiency assistance to homeowners. I am proud to stand with my forward-thinking colleagues, Senator BINGAMAN and Senator SANDERS in supporting Home Star and I look forward to continued discussions about how we can maximize the economic benefits of these valuable programs.

I would like to focus for a moment on the immediate positive impact that Building Star will have on our economy.

Building Star would begin creating jobs immediately and is projected to create as many as 150,000 jobs in some of the economy's hardest-hit sectors including construction, manufacturing, and distribution over the next 2 years.

Building Star will stimulate new jobs in the 55,000 construction and manufacturing firms that deal in building, mechanical and low-slope roof insulation, windows, and window films. Eighty-six percent of these firms are small businesses employing less than 20 people.

Building Star will maximize Federal investment by leveraging $2 to $3 in private investment for every Federal dollar spent, making it an excellent model for a public-private partnership and maximizing resource efficacy.

In addition, Building Star is expected to save building owners more than $3 billion annually on their energy bills by reducing enough peak electricity demand to avoid the need for 33 300-Megawatt power plants.

It will also reduce the pollution that contributes to climate change by 21 million metric tons each year, or the equivalent of nearly 4 million cars' emissions, according to the American Council for an Energy-Efficient Economy.

I urge my colleagues to recognize the outstanding opportunity that energy-efficiency renovations offer in putting Americans back to work, saving money for our working families, and moving us toward energy independence.

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. 3079

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 ''Building Star Energy Efficiency Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASHRAE.—The term ''ASHRAE'' means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

(2) BUILDING ENVELOPE INSULATION.—The term ''building envelope insulation'' means thermal insulation for a building envelope (other than a low slope roof), as defined in ASHRAE Standard 90.1–2007 or 2009 IECC, as appropriate.

(3) CHILLER TONNAGE DOWNSIZING.—The term ''chiller tonnage downsizing'' means the quantity by which the tonnage rating of a replaced chiller exceeds the tonnage rating of a qualified replacement chiller.

(4) CLIMATE ZONE.—The term ''climate zone'' means a climate zone specified in ASHRAE Standard 90.1–2007.

(5) COMMERCIAL BUILDING.—

(A) IN GENERAL.—The term ''commercial building'' means a building that—

(i) is located in the United States; and

(ii) was in existence on December 31, 2009.

(B) EXCLUSIONS.—The term ''commercial building'' does not include—

(i) a federally owned building; or

(ii) a residential building.

(6) DUCT.—The term ''duct'' means HVAC ducts with respect to which pressure testing has been performed and, if necessary, leakage remediated, in accordance with sections 503.2.7.1.2 and 503.2.7.1.3 of the 2009 IECC.

(7) DUCT INSULATION.—The term ''duct insulation'' means thermal insulation of a HVAC duct.

(8) HVAC.—The term ''HVAC'' means heating, ventilation, and air conditioning.

(9) IECC.—The term ''IECC'' means the International Energy Conservation Code.

(10) MECHANICAL INSULATION.—The term ''mechanical insulation'' means thermal insulation installed, in accordance with applicable Federal, State, and local law, on mechanical piping and mechanical equipment.

(11) MULTIFAMILY RESIDENTIAL BUILDING.—

(A) IN GENERAL.—The term ''multifamily residential building'' means a structure of 5 or more dwelling units that—

(i) is located in the United States; and

(ii) was in existence on December 31, 2009.

(B) EXCLUSION.—The term ''multifamily residential building'' does not include a federally owned building.

(12) NFRC.—The term ''NFRC'' means the National Fenestration Rating Council.

(13) PROGRAM.—The term ''program'' means the Building Star Energy Efficiency Rebate Program of 2010 established under section 3.

(14) QUALIFIED BOILER.—The term ''qualified boiler'' means a new natural gas-fired, oil-fired, or wood or wood pellet boiler that—

(A) has a capacity of not less than 300,000, and not more than 5,000,000, Btu per hour;

(B) replaces an operational boiler in a commercial building or multifamily residential building; and

(C) meets or exceeds—

(i) in the case of a natural gas-fired boiler, 90 percent thermal efficiency;

(ii) in the case of an oil-fired boiler, 85 percent thermal efficiency; and

(iii) in the case of a wood or wood pellet boiler, 75 percent thermal efficiency.

(15) QUALIFIED BUILDING ENVELOPE INSULATION.—The term ''qualified building envelope insulation'' means the installation or repair of building envelope insulation to meet or exceed ASHRAE Standard 90.1–2007 or 2009 IECC in a commercial building or multifamily residential building.

(16) QUALIFIED ENERGY AUDIT.—The term ''qualified energy audit'' means an ASHRAE Level II energy audit or equivalent of a commercial building or multifamily residential building that is designed to identify all cost-effective energy efficiency measures.

(17) QUALIFIED ENERGY-EFFICIENT BUILDING OPERATION AND MAINTENANCE TRAINING.—The term ''qualified energy-efficient building operation and maintenance training'' means—

(A) the training of a superintendent or operator of a commercial building or multifamily residential building; and

(B) resultant—

(i) Level 1 or Level 2 Building Operator Certification for commercial building operators; or

(ii) certification as a Multifamily Building Operator by the Building Performance Institute for residential building operators.

(18) QUALIFIED ENERGY MONITORING AND MANAGEMENT SYSTEM.—The term ''qualified energy monitoring and management system'' means a system that—

(A) is installed in a commercial building or multifamily residential building;

(B) uses a combination of computers, computer software, control equipment, and instrumentation to monitor and manage or submeter the energy use of a building, such as heating, ventilation, air conditioning, and lighting;

(C) provides reporting of information to the building owner or operator to enable refinement of building operation and energy usage; and

(D) is covered by a service contract with a duration of not less than 1 year for system monitoring or maintenance, including all maintenance recommended by the equipment manufacturer.

(19) QUALIFIED EXTERIOR LIGHTING.—The term ''qualified exterior lighting'' means exterior lighting that—

(A) replaces operational exterior lighting at a commercial building or multifamily residential building; and

(B) achieves a reduction of 20 percent or more in annual energy use as compared to the lighting that was replaced, as determined in accordance with section 3(c)(7)(B).

(20) QUALIFIED FURNACE.—The term ''qualified furnace'' means a new natural gas furnace or a wood or wood pellet furnace that—

(A) replaces an operational furnace in a commercial building or multifamily residential building;

(B) in the case of natural gas, meets or exceeds 90 percent thermal efficiency; and

(C) in the case of a wood or wood pellet furnace, meets or exceeds 75 percent thermal efficiency.

(21) QUALIFIED HIGH-EFFICIENCY WINDOW FILMS AND SCREENS.—The term ''qualified high-efficiency window films and screens'' means window films and screens that—

(A) are permanently affixed to windows or window frames in a commercial building or multifamily residential building;

(B) have a Luminous Efficacy (which is Visible Light Transmittance, as certified to NRFC standards divided by SHGC) of 1.1 or greater; and

(C) have a SHGC that meets or is better than the applicable requirements of the following table (as certified to NFRC standards):

Climate Zones	1	2	3	4	5	6	7	8
SHGC	.25	.25	.25	.40	.40	.40	.45	.45

(22) QUALIFIED HVAC TESTING, BALANCING, AND DUCT SEALING.—The term ''qualified HVAC testing, balancing, and duct sealing'' means work performed in a commercial building or multifamily residential building by individuals with an ANSI-accredited certification in HVAC testing—

(A) to pressure-test HVAC ducts;

(B) to balance air flow; and

(C) to identify all leaking ducts and remediate the leakage to the appropriate leakage class, in accordance with sections 503.2.7.1.2 and 503.2.7.1.3 of the 2009 IECC.

(23) QUALIFIED INTERIOR LIGHTING.—The term ''qualified interior lighting'' means new interior lighting that—

(A) replaces operational interior lighting in a commercial building or multifamily residential building; and

(B) achieves an installed power reduction of 25 percent or more as compared to the installed power of the lighting that was replaced, as determined in accordance with section 3(c)(6)(B).

(24) QUALIFIED LOW SLOPE ROOF INSULATION.—The term ''qualified low slope roof insulation'' means a retrofit that—

(A) adds new insulation to a roof on a commercial building or multifamily residential building if the roof insulation is entirely above deck, as defined in ASHRAE Standard 90.1–2007 or 2009 IECC; and

(B) meets or exceeds the R-values for the applicable climate zone in the following table:

Climate Zones	1	2	3	4	5	6	7	8
R-Value	20	25	25	25	25	30	35	35

(25) QUALIFIED MECHANICAL INSULATION.—The term ''qualified mechanical insulation'' means the installation or repair of mechanical or duct insulation to meet or exceed ASHRAE Standard 90.1–2007 or 2009 IECC in a commercial building or multifamily residential building.

(26) QUALIFIED REPLACEMENT CHILLER.—The term ''qualified replacement chiller'' means a water-cooled chiller that—

(A) is certified to meet efficiency standards effective on January 1, 2010, as defined in table 6.8.1c in Addendum M to Standard 90.1–2007 of ASHRAE; and

(B) replaces a chiller that—

(i) was installed before January 1, 1993;

(ii) uses chlorofluorocarbon refrigerant; and

(iii) until replaced by a new chiller, has remained in operation and used for cooling a commercial building.

(27) QUALIFIED RETRO COMMISSIONING STUDY.—The term ''qualified retro commissioning study'' means a commissioning study of building energy systems that is—

(A) conducted consistent with the guidelines in the Retro Commissioning Guide for Building Owners prepared for—

(i) the Environmental Protection Agency; or

(ii) the document entitled ''California Commissioning Guide: Existing Buildings'' published by the California Commissioning Collaborative; and

(B) performed by a service provider with—

(i) an ASHRAE Commissioning Process Management Professional certification; or

(ii) a Building Commissioning Association Certified Commissioning Professional certification.

(28) QUALIFIED SERVICE ON COOLING SYSTEMS.—

(A) IN GENERAL.—The term ''qualified service on cooling systems'' means periodic maintenance service on a central air conditioner that—

(i) is located in a commercial building or multifamily residential building; and

(ii) has a capacity of not less than 2 tons.

(B) INCLUSIONS.—The term ''qualified service on cooling systems'' includes—

(i) a cleaning of a condenser coil;

(ii) a check of system pressure;

(iii) an inspection and replacement of a filter;

(iv) an inspection and replacement of a belt;

(v) an inspection and repair of an economizer;

(vi) an inspection of a contractor;

(vii) an inspection of an evaporator;

(viii) an evaluation of a compressor ampere draw;

(ix) an evaluation of supply motor amp draw;

(x) an evaluation of a condenser fan amp draw;

(xi) an evaluation of liquid line temperature;

(xii) an evaluation of suction pressure and temperature;

(xiii) an evaluation of oil level and pressure;

(xiv) an inspection of low pressure controls and high pressure controls;

(xv) an evaluation of crankcase heater operation;

(xvi) a cleaning of chiller condenser tubes;

(xvii) a cleaning of chiller evaporator tubes; or

(xviii) a check, and if necessary, correction of a refrigerant charge and system airflow to conform to manufacturer specifications.

(29) QUALIFIED SERVICE ON SPACE HEATING EQUIPMENT.—

(A) IN GENERAL.—The term ''qualified service on space heating equipment'' means the periodic maintenance service on a boiler, unit heaters make-up air unit, heat pump, furnace, or industrial space heating equipment with forced or induced draft combustion that is located in a commercial or multifamily residential building.

(B) INCLUSIONS.—The term ''qualified service on space heating equipment'' includes—

(i) cleaning all heat exchange surfaces and checking and calibrating all system controls; and

(ii) combustion efficiency tests and stack temperature measurements conducted before and after the service.

(30) QUALIFIED UNITARY AIR CONDITIONER.—The term ''qualified unitary air conditioner'' means a new 3 phase unitary air conditioner that—

(A) replaces an operational air conditioner or heat pump in a commercial building or multifamily residential building; and

(B) meets or exceeds Consortium for Energy Efficiency Tier 1 efficiency standards as in effect on January 1, 2010.

(31) QUALIFIED UNITARY HEAT PUMP.—The term ''qualified unitary heat pump'' means a new 3 phase unitary heat pump that—

(A) replaces an operational air conditioner or heat pump in a commercial building or multifamily residential building; and

(B) meets or exceeds Consortium for Energy Efficiency Tier 1 level of efficiency as in effect on January 1, 2010.

(32) QUALIFIED VARIABLE SPEED DRIVE.—The term ''qualified variable speed drive'' means a new electronic variable speed drive that—

(A) is added to an operational motor in a—

(i) chilled water pump;

(ii) cooling tower fan;

(iii) fume hood exhaust or makeup fan;

(iv) hot water pump;

(v) exhaust fan;
(vi) chiller compressor; or
(vii) supply, return, or exhaust fan on a variable-air volume unit that is located in a commercial building or multifamily residential building and operates not less than 2,000 hours annually;
(B) is controlled automatically by a building automation system, process control system, or local controller driven by differential pressure, flow, temperature, or another variable signal; and
(C) incorporates a series reactor for power factor correction.
(33) QUALIFIED WATER HEATER.—The term ''qualified water heater'' means a new natural gas or electric storage water heater with a capacity of 75,000 Btu/hour or greater, or a tankless water heater with a capacity of 200,000 Btu/hour or greater, that replaces an operational water heater in a commercial building or multifamily residential building and meets or exceeds—
(A) in the case of a natural gas water heater, 90 percent thermal efficiency;
(B) in the case of an electric water heater—
(i) a 2.5 Coefficient of Performance; or
(ii) a 2.0 Energy Factor; and
(C) in the case of a wood or wood pellet water heater, 75 percent thermal efficiency.
(34) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.
(35) SHGC.—The term ''SHGC'' means the Solar Heat Gain Coefficient.
(36) TIER 1 QUALIFIED WINDOW.—The term ''tier 1 qualified window'' means a new window that—
(A) replaces an existing window in a commercial building or multifamily residential building; and
(B) meets or is better than—
(i) the applicable U-factor and SHGC requirements (both certified to NFRC standards) in the following table:

Climate Zones	1	2	3	4	5	6	7	8
U-Factor	.57	.57	.40	.35	.35	.35	.35	.35
SHGC	.25	.25	.25	.40	.40	.40	.45	.45

; and
(ii) in the case of a window with impact-rated glazing in climate zone 1, a U-factor of 1.20.
(37) TIER 2 QUALIFIED WINDOW.—The term ''tier 2 qualified window'' means a new window that—
(A) replaces an existing window in a commercial building or multifamily residential building; and
(B) meets or is better than—
(i) the applicable U-factor and SHGC requirements (both certified to NFRC standards) in the following table:

Climate Zones	1	2	3	4	5	6	7	8
U-Factor	.32	.32	.30	.30	.30	.30	.30	.30
SHGC	.25	.25	.25	.26	.26	.35	.45	.45

; and
(ii) in the case of a window with impact-rated glazing in climate zone 1, a U-factor of 1.20.

SEC. 3. BUILDING STAR PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy a program to be known as the ''Building Star Energy Efficiency Rebate Program of 2010'' under which the Secretary, in accordance with this section, shall issue rebates to building owners to offset a portion of the cost of purchasing and installing qualifying equipment or materials or undertaking qualifying services to enhance the energy efficiency of existing commercial buildings and multifamily residential buildings.
(b) REBATES FOR BUILDING ENVELOPE ENERGY EFFICIENCY MEASURES.—Rebates for the purchase and installation of qualifying insulation, windows, and qualified high-efficiency window films and screens in commercial or multifamily residential buildings shall be available in the following amounts:
(1) BUILDING ENVELOPE INSULATION.—For qualified building envelope insulation, a rebate of $0.60 per square foot of insulated area.
(2) LOW SLOPE ROOFING INSULATION.—For qualified low slope roofing insulation, a rebate of $0.80 per square foot of insulated roof area over conditioned space.
(3) MECHANICAL INSULATION.—For qualified mechanical insulation, rebates shall be the amounts specified in the following table:

Piping and Equipment Applications	Rebate
2″ Iron Pipe Size and below	$2.50 per equivalent lineal foot
2″ to 12″ Iron Pipe Size	$5.00 per equivalent lineal foot
Above 12″ Iron Pipe Size and equipment	$5.00 per square foot
HVAC Duct Applications	$1.00 per square foot

(4) WINDOWS.—
(A) TIER 1 QUALIFIED WINDOWS.—For Tier 1 qualified windows, a rebate of $150 per window.
(B) TIER 2 QUALIFIED WINDOWS.—For Tier 2 qualified windows, a rebate of $300 per window.
(5) HIGH-EFFICIENCY WINDOW FILMS AND SCREENS.—For qualified high-efficiency window films and screens, a rebate of $1.00 per square foot of treated glass enclosing a mechanically conditioned space.
(c) REBATES FOR ELIGIBLE EQUIPMENT INSTALLATION.—Rebates for the purchase and installation of qualifying new energy efficient equipment in commercial buildings or multifamily residential buildings shall be available in the following amounts:
(1) BOILERS.—For qualified boilers, rebates shall be the amounts specified in the following table:

Boiler Fuel	Rebate
Natural Gas-fired	$10 per thousand Btu per hour capacity
Oil-fired	$3 per thousand Btu per hour capacity
Wood or wood pellet boiler	$____ per thousand Btu per hour capacity

(2) FURNACES.—For qualified furnaces, rebates of $5 per thousand Btu per hour of capacity.
(3) WATER HEATERS.—For qualified water heaters, rebates shall be the amounts specified in the following table:

Energy Source	Rebate
Natural Gas	$8 per thousand Btu per hour capacity
Electricity	$20 per thousand Btu per hour of heat pump capacity
Wood or wood pellet water heater	$____ per thousand Btu per hour capacity

(4) UNITARY AIR CONDITIONERS AND HEAT PUMPS.—For qualified unitary air conditioners and qualified unitary heat pumps, rebates shall be the amounts specified in the following table:

Efficiency Level	Rebate
Consortium on Energy Efficiency Tier 1 efficiency standards (as in effect on January 1, 2010).	$100 per ton cooling capacity
Consortium of Energy Efficiency Tier 2 efficiency standards (as in effect on January 1, 2010).	$200 per ton cooling capacity

(5) VARIABLE SPEED DRIVES FOR MOTORS.—For qualified variable speed drives, rebates shall be the amounts specified in the following table:

Power Controlled (horsepower)	Rebate Level
<10 hp	$120/hp
10–100 hp	$80/hp
>100 hp	$40/hp

(6) INTERIOR LIGHTING.—

(A) IN GENERAL.—For qualified interior lighting, subject to subparagraphs (B) and (C), rebates based on reduced lighting power shall be the amounts specified in the following table:

25% or greater reduction in installed lighting power (as adjusted)	$0.25 per square foot of illuminated floor area affected
40% or greater reduction in installed lighting power (as adjusted)	$0.50 per square foot of illuminated floor area affected

(B) CALCULATION.—Reductions in installed lighting power resulting from installation of qualified interior lighting shall be calculated by determining the difference between—

(i) the product obtained by multiplying—

(I) the quantity of installed power (kW) for existing interior lighting; and

(II) the applicable control factor; and

(ii) the product obtained by multiplying—

(I) the quantity of installed power (kW) of the replacement interior lighting system; and

(II) the applicable control factor.

(C) CONTROL FACTORS.—For purposes of subparagraph (B), control factors for installed lighting controls shall be—

(i) for manual dimming controls, 0.9;

(ii) for occupancy sensors, 0.9;

(iii) for programmable multilevel dimming controls, 0.9;

(iv) for programmable multilevel dimming controls with programmable time scheduling, 0.85; and

(v) for daylight dimming controls, 0.75.

(7) EXTERIOR LIGHTING.—

(A) IN GENERAL.—For qualified exterior lighting, subject to subparagraphs (B) and (C), rebates based on reduced energy usage shall be the amounts specified in the following table:

20% or greater reduction in calculated annual energy usage	$0.40 per kWh reduction in calculated annual energy usage
40% or greater reduction in calculated annual energy usage	$1.00 per kWh reduction in calculated annual energy usage

(B) CALCULATION.—Reductions in annual energy usage resulting from installation of qualified exterior lighting shall be calculated by determining the difference between—

(i) the product obtained by multiplying—

(I) the quantity of installed power (kW) for existing exterior lighting;

(II) 4,000 operating hours per year; and

(III) the applicable control factor; and

(ii) the product obtained by multiplying—

(I) the quantity of installed power (kW) of the replacement exterior lighting system;

(II) 4,000 operating hours per year; and

(III) the applicable control factor.

(C) CONTROL FACTORS.—For purposes of subparagraph (B), control factors for installed lighting controls shall be—

(i) for 7-day time controls (with a provision for holiday schedule) if lighting is switched off a minimum of 4 hours per night, 0.75;

(ii) for motion sensors if lighting power is reduced by at least 40 percent after no activity has been detected for at least 20 minutes, 0.75; and

(iii) for remote monitoring and multilevel lighting controls, 0.60.

(8) QUALIFIED REPLACEMENT CHILLERS.—

(A) IN GENERAL.—For qualified replacement chillers, rebates shall be the sum of—

(i) the product obtained by multiplying—

(I) $150; and

(II) the tonnage rating of the replaced chiller; and

(ii) if all chilled water distribution pumps connected to the qualified replacement chiller include variable frequency drives, the product obtained by multiplying—

(I) $100; and

(II) any chiller tonnage downsizing.

(B) AUDITS.—As a condition of receiving a rebate for a qualified replacement chiller, an audit with requirements determined by the Secretary (not later than 45 days after the date of enactment of this Act) shall be performed on a building prior to installation of the qualified replacement chiller that identifies cost-effective energy-saving measures, particularly measures that could contribute to chiller tonnage downsizing.

(d) REBATES FOR ELIGIBLE ENERGY EFFICIENCY SERVICES.—Rebates for qualifying services to enhance the energy efficiency of commercial or multifamily residential buildings shall be available in the following amounts:

(1) ENERGY AUDIT AND RETRO COMMISSIONING STUDY.—

(A) IN GENERAL.—For qualified energy audits or qualified retro commissioning studies, subject to subparagraph (B), a rebate equal to the lesser of—

(i) $0.05 per square foot of audited or commissioned building space; or

(ii) 50 percent of the cost of the audit or study.

(B) AVOIDANCE OF DUPLICATION.—Rebates shall not be made for energy audits and retro commissioning studies under subparagraph (A) for the same building.

(2) ENERGY-EFFICIENT BUILDING OPERATIONS AND MAINTENANCE TRAINING.—For qualified energy-efficient building operation and maintenance training, a rebate of $2,000 per individual trained and certified.

(3) SERVICE ON SPACE HEATING EQUIPMENT.—For qualified service on space heating equipment, a rebate of $100 per unit serviced.

(4) SERVICE ON COOLING SYSTEMS.—For qualified service on cooling systems, a rebate equal to the lesser of—

(A) $2 per ton of nameplate capacity of the serviced cooling system; and

(B) 50 percent of the total service cost.

(5) ENERGY MONITORING AND MANAGEMENT SYSTEMS.—

(A) INSTALLATION.—For qualified energy monitoring and management systems installed in a commercial building or multifamily residential building that have analog controls (pneumatic or electronic), or if no control system exists, a rebate equal to the lesser of—

(i) $0.45 per square foot of building space covered by the qualified energy monitoring and management system; or

(ii) 50 percent of the total installation and commissioning costs.

(B) UPGRADING.—For upgrading an existing energy monitoring and management system in a commercial building or multifamily residential building to add submetering to all major individual loads, such as heating, ventilation, air conditioning, and lighting, a rebate equal to the lesser of—

(i) $0.15 per square foot of building space covered by the energy management system, or

(ii) 50 percent of the total installation cost.

(6) HVAC TESTING, BALANCING, AND DUCT SEALING.—For qualified HVAC testing, balancing, and duct sealing, a rebate of $0.75 per square foot of duct surface tested, balanced, and if necessary, sealed.

(e) ADMINISTRATION.—

(1) ELIGIBILITY PERIOD.—A rebate issued under the program shall be provided only in connection with qualifying equipment installations or services provided during the period beginning on the date of enactment of this Act and ending on December 31, 2011.

(2) COMBINATION WITH OTHER INCENTIVES.—The availability or use of a Federal, State, local, utility, or other incentive for any qualifying equipment installation or service shall not affect eligibility for rebates under the program.

(3) ADDITIONAL FEES.—A dealer, equipment installer, or service provider may not charge a person purchasing goods or services any additional fees associated with applying for a rebate under the program.

(4) LIMITATION ON TOTAL REBATES ISSUED.—The total value of rebates issued under the program may not exceed the amounts made available for the program.

(5) MAXIMUM REBATE.—The amount of any rebate paid to an applicant for any qualified measure under this section shall be the lesser of—

(A) the amount determined under subsection (b), (c), or (d); or

(B) ½ of the cost actually incurred by the applicant building owner to complete the measure that is eligible for the rebate.

(f) IMPLEMENTATION.—Notwithstanding section 553 of title 5, United States Code, not later than 30 days after the date of enactment of this Act, the Secretary shall, in consultation with the Secretary of the Treasury, establish rules and procedures to implement the program, including rules and procedures for—

(1) building owners or designees to submit applications (including forms) that—

(A) specify the proposed measures that qualify for a rebate and the total rebate requested; and

(B) require that the work be completed by licensed contractors or service providers in compliance with all applicable Federal, State and local building codes and standards;

(2) the Secretary—

(A) to consider applications; and

(B) to the extent that the Secretary determines that proposed measures will qualify for rebates under this section if undertaken and that there are sufficient uncommitted

funds to carry out the program, to issue confirmations to applicants that rebates will be made if proposed measures are completed;

(3) an applicant—

(A) to certify, following completion of the measures identified in the application, that the measures undertaken qualify for rebate under this section; and

(B) to complete the measures described in the application, and submit a certification, not later than—

(i) 180 days after the date of receipt of a confirmation; or

(ii) in the case of a qualified replacement chiller, 360 days after the date of receipt of a confirmation;

(4) appropriate verification by the Secretary of eligibility for a rebate prior to payment;

(5) verification and payment of rebates by electronic transfer of funds or other means that ensure that the payment occurs not later than 30 days after the date of submission of certification that measures described in the application have been completed;

(6) certification by the installer, as part of the certification under paragraph (3), that any refrigerants, toxic materials, and other hazards have been removed and disposed of in accordance with all applicable Federal, State, and local laws;

(7) field inspections by the Federal Government of at least 10 percent of the projects for which rebates are received under the program; and

(8) compliance monitoring and enforcement.

(g) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who knowingly makes a false or misleading statement in an application or certification under this section shall be liable to the United States for a civil penalty in an amount equal to not more than the higher of—

(A) $15,000 for each violation; or

(B) the amount that is equal to 3 times the value of any associated rebate received under this section.

(2) ADMINISTRATION.—In carrying out this subsection, the Secretary—

(A) may assess and compromise penalties described in paragraph (1);

(B) may require from any entity the records and inspections necessary to carry out the program; and

(C) shall consider the severity of the violation and the intent and history of the person committing a violation in determining the amount of a penalty.

(h) INFORMATION TO BUILDING OWNERS, SERVICE PROVIDERS, AND EQUIPMENT INSTALLERS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make available on an Internet website and through other means determined by the Secretary, information about the program, including information on—

(A) how to determine whether particular efficiency measures are eligible for a rebate;

(B) how to participate in the program, including how to apply for rebates; and

(C) the equipment and services meeting the requirements of the program.

(2) UPDATING.—The Secretary shall update, as appropriate, the information required under paragraph (1).

(i) REPORT TO CONGRESS.—Not later than 60 days after the termination date described in subsection (e)(1), the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the efficacy of the program, including—

(1) a description of program results, including—

(A) the total number and value of rebates issued for installation of new energy efficient equipment by category of equipment;

(B) the total number and value of rebates issued for services rendered by category of service; and

(C) the geographic distribution of activities for which rebates were issued;

(2) an estimate of the overall increase in energy efficiency as a result of the program, expressed in terms of percentage improvement by—

(A) type of equipment;

(B) total annual energy savings; and

(C) total annual greenhouse gas reductions; and

(3) an estimate of the overall jobs created and economic growth achieved as a result of the program.

SEC. 4. STATE-BASED FINANCING ASSISTANCE FOR COMMERCIAL BUILDING RETROFITS.

(a) DEFINITIONS.—In this section:

(1) BUILDING STAR ENERGY RETROFIT PROGRAM.—The term ''Building Star energy retrofit program'' means the Building Star energy retrofit program established under section 3.

(2) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a building owner, apartment complex owner, residential cooperative association, or condominium association that—

(A) meets the eligibility requirements established by a qualified loan program delivery entity designated by the building owner; and

(B) receives financial assistance from the qualified loan program delivery entity to carry out energy efficiency or renewable energy improvements to an existing building in accordance with the Building Star energy retrofit program established under section 3.

(3) PROGRAM.—The term ''program'' means the Building Star Energy Efficiency Loan Program established under subsection (b).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified program delivery entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(5) QUALIFIED PROGRAM DELIVERY ENTITY.—The term ''qualified program delivery entity'' means a State, political subdivision of a State, tribal government, energy utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is approved by the State that administers the program in the State.

(b) ESTABLISHMENT.—The Secretary shall establish a Building Star Energy Efficiency Loan Program under which the Secretary shall make grants to States to support financial assistance provided by qualified program delivery entities for making, to existing buildings, energy efficiency and renewable energy improvements that qualify under the Building Star energy retrofit program.

(c) ELIGIBILITY OF QUALIFIED PROGRAM DELIVERY ENTITIES.—To be eligible to participate in the program, a qualified program delivery entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in section 3;

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards established under section 3; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED PROGRAM DELIVERY ENTITIES.—Before making a grant to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified program delivery entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements; or

(vi) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(3) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF GRANT FUNDS.—Grant funds made available to States under the program may be used to support financing products offered by qualified program delivery entities to eligible participants, by providing——

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified program delivery entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency and renewable energy finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified program delivery entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, renewable energy deployment, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified program delivery entities under this section, including information on the rate of default and repayment.

SEC. 5. FEDERAL FINANCING ASSISTANCE FOR COMMERCIAL BUILDING RETROFITS.

(a) IN GENERAL.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.''.

(b) CREDIT SUPPORT FOR FINANCING PROGRAMS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) CREDIT SUPPORT FOR FINANCING PROGRAMS.—

''(1) IN GENERAL.—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

''(A) offer loan guarantees for portfolios of debt obligations; and

''(B) purchase or make commitments to purchase portfolios of debt obligations.

''(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; and

''(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

''(3) UNDERWRITING.—The Secretary may—

''(A) delegate underwriting responsibility for portfolios of debt obligations under the subsection to financial institutions that meet qualifications determined by the Secretary; and

''(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

''(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 shall not apply to loan guarantees made under this subsection.''.

(c) TERMINATION OF EFFECTIVENESS.—The authority provided by this section and the amendments made by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act and the amendments made by this Act $6,000,000,000 for the period of fiscal years 2010 and 2011, to remain available until expended, of which—

(1) not less than $600,000,000 or 10 percent of the amount made available for a fiscal year (whichever is less) shall be used to carry out the financing program established under section 4; and

(2) not more than $360,000,000 or 6 percent of the amount made available for a fiscal year (whichever is less) shall be used to administer this Act and the amendments made by this Act.

By Mr. SPECTER (for himself, Mr. CASEY, and Mr. BROWN, of Ohio):

S. 3080. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Unfair Foreign Competition Act of 2010. This legislation provides a private right of action for domestic manufacturers injured by illegal subsidization and dumping of foreign products into U.S. markets. These anticompetitive, predatory trade practices steal jobs from our workers, profits from our companies, and growth from our economy.

Job creation and job retention in this country depend in large part on our ability to enforce existing trade laws. At a time when unemployment remains at nearly 10 percent and our economic future is at stake, it becomes even more important that we focus on trade priorities which too long have been sacrificed for foreign policy and defense interests.

The latest trade numbers demonstrate that the U.S. trade deficit with China in November 2009 was $20.2 billion. Over the years, imports from China have exceeded our imports by a staggering $208.6 billion. This is not evidence that American manufacturers cannot produce goods efficiently or compete with foreign markets; rather, it is evidence of unlawful behavior on the part of China. Such behavior is tantamount to international banditry, and it must not be tolerated.

In the current environment, I believe it is necessary for an injured industry to have an opportunity to go into Federal court and seek enforcement of our country's trade laws.

My legislation addresses two specific types of illegal trade practices: dumping, which occurs when a foreign producer sells a product in the United States at a price that is below the producer's sales price in its home market or at a price which is lower than its cost of production, and subsidizing, which occurs when a foreign government provides financial assistance to benefit the production, manufacture, or exportation of a good.

Under current law, the International Trade Commission and the Department of Commerce conduct antidumping and countervailing duty investigations and 5-year reviews under title VII of the Tariff Act of 1930. U.S. industries may petition the ITC and Commerce for relief from dumped and subsidized imports. If Commerce finds that an imported product is dumped or subsidized and the ITC finds that the petitioning industry is materially injured or threatened with material injury, an antidumping duty order or countervailing duty order will be imposed to offset the dumping or subsidies.

Because current administrative remedies have not been consistently and effectively enforced, I am introducing private right of action legislation to enforce the law. My legislation would allow petitioners to choose between the ITC and their local U.S. district court for the injury determination phase of their investigation. Doing so gives injured domestic producers the opportunity as private plaintiffs to control the litigation in seeking enforcement of our trade laws. If injury is found, U.S. Customs and Border Protection would then assess duties on future importation of the article in question. The legal standard for determining dumping margins, established by the Commerce Department, would remain unchanged.

This legislation is similar to legislation I have introduced as far back as 1982 when I originally sought injunctive relief. But this bill has been modified to comply with World Trade Organization rules.

In December 2004, the United States took action to comply with WTO rulings on the Antidumping Act of 1916 which provided a private cause of action and criminal penalties for dumping by prospectively repealing the act. The United States also took action in February 2006 to comply with WTO rulings on the Continued Dumping and Subsidy Offset Act which requires the distribution of collected antidumping and countervailing duties to petitioners and interested parties in the underlying trade proceedings. In both cases, the WTO panel found that U.S. law allowed an impermissible specific action against dumping and subsidization.

The legislation I introduce today has been adapted to these changes in law and allows for a determination of injury in accordance with our international obligations. Aggressive policy measures, such as this legislation, are necessary to prevent foreign producers—China in particular—from causing a major crisis for our domestic producers.

In testimony before the ITC earlier this year, I noted that we have a complicated relationship with China. I was one of 15 Senators who opposed China's entrance into the WTO in 2000. With China's economy still widely under state direction and characterized by dubious trade practices, I believed Chinese membership in the WTO would present a likelihood of trade distortion and market disruption. And that is why I voted against it in 2000.

Congress heeded some of the concerns which I and others expressed and inserted a China-specific safeguard provision under section 421 of the Trade Act. But such a safeguard is only as effective as the President's willingness to enforce it. Seven petitions have been filed under section 421 since its inception. Of these, the ITC has made an affirmative determination of injury in five cases. Yet only one determination, handed down in the most recent Chinese tires case, has been upheld by the President. Despite overwhelming evidence to support the ITC's findings of

injury, President Bush rejected all four previous petitions for relief on the ground that providing import relief was not in the economic interest of the United States. Since President Bush's decision, countless jobs in my State and across the country have been lost and the trade deficit has widened. It is difficult to understand how providing import relief was not in our economic interest.

President Obama's decision to uphold the ITC rulings in the Chinese tires case last year is a step in the right direction, but much more needs to be done to ensure that domestic industries enjoy the protection afforded to them by existing trade laws.

While it is my hope that this administration and future administrations will evaluate trade remedies objectively in terms of economic consequences, this act will provide a valuable tool for the domestic industry. I ask my colleagues on both sides of the aisle to join me in supporting this legislation.

The enforcement of trade laws should not be a partisan issue. To those who decry our enforcement mechanisms as unabashedly protectionist, let me be clear. I believe in free trade. International trade and open markets are crucial to the economic prosperity of this country. But the essence of free trade is selling goods at a price equal to the cost of production and a reasonable profit. When one country engages in dumping or subsidization at the expense of other countries, it is the antithesis of free trade.

Let me remind those who criticize our domestic safeguards that President Ronald Reagan, a staunch advocate of open markets, signed into law agreements limiting the imports of autos and steel and pushed for the Plaza Accord in 1985 which raised the value of the yen and made Japanese imports more expensive. President Reagan understood that free trade did not mean wholly unfettered, unregulated trade. Free trade does not mean turning a blind eye to illegal and unsavory practices committed by our trading partners.

I have argued that enforcement of our trade laws is critical to ensuring that our domestic manufacturers have a fair opportunity of competing with foreign producers. But even the most stringent enforcement will be insufficient to fully counter the effects of substandard labor, trade, and environmental practices, particularly those practiced by China. The safeguard measures the United States negotiated in advance of China's entry into the WTO were designed to limit the destructive effects of surging Chinese imports on domestic producers. As a result, China's succession to the WTO accelerated a ''race to the bottom'' in wages and environmental quality.

Given these factors, in addition to China's mixed record on providing market access to the United States and its failure to provide protection of U.S. intellectual property rights, I urge that the Congress reexamine our trade agreement the United States signed with China and, if necessary, seek to withdraw permanent normal trade relations status from China. Such a withdrawal would be a serious measure, but we must be willing to demonstrate that we are serious about holding China to its international commitments.

When the United States granted most-favored-nation status to China in 2000, we lost our ability to demand that China play by the rules. We may have to regain this leverage if we are to maintain an equitable trading relationship with China and keep our domestic industry strong.

As President Obama recently noted in his remarks at the Senate Democratic Conference, the United States is home to some of the most innovative, skilled, and efficient workers in the world. But advances in efficiency and innovation by our producers cannot make up for the unfair advantage held by countries that engage in illegal trade practices. Our industries can compete if the playing field is level, but if foreign exporters are not held accountable, and can freely undercut American producers with dumped goods and government subsidies, this country's economic future will be at risk. We must take a stand and we must do it now.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. CHAMBLISS, Mr. LEMIEUX, Mr. SESSIONS, and Mr. VITTER):

S. 3081. A bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I rise to introduce legislation that sets forth a clear, comprehensive policy for the detention, interrogation and trial of enemy belligerents who are suspected of engaging in hostilities against the U.S. This legislation seeks to ensure that the mistakes made during the apprehension of the Christmas Day bomber, such as reading him a Miranda warning, will never happen again and put Americans' security at risk.

Specifically, this bill would require unprivileged enemy belligerents suspected of engaging in hostilities against the U.S. to be held in military custody and interrogated for their intelligence value by a ''high value detainee'' interagency team established by the President. This interagency team of experts in national security, terrorism, intelligence, interrogation and law enforcement will have the protection of U.S. civilians and civilian facilities as their paramount responsibility and experience in gaining actionable intelligence from high value detainees.

These experts must, to the extent it is possible to do so, make a preliminary determination whether the detainee is an unprivileged enemy belligerent within 48 hours of a detainee being taken into custody. The experts then must submit their determination to the Secretary of Defense and the Attorney General after consultation with the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Director of the Central Intelligence Agency. The Secretary of Defense and the Attorney General make a final determination and report it to the President and the appropriate committees of Congress. In the case of any disagreement between the Secretary of Defense and the Attorney General, the President will make the final call.

A key provision of this bill is that it would prohibit a suspected enemy belligerent from being provided with a Miranda warning and being told he has a right to a lawyer and a right to refuse to cooperate. I believe that an overwhelming majority of Americans agree that when we capture a terrorist who is suspected of carrying out or planning an attack intended to kill hundreds if not thousands of innocent civilians, our focus must be on gaining all the information possible to prevent that attack or any that may follow from occurring. Under these circumstances, actionable intelligence must be our highest priority and criminal prosecution must be secondary.

Additionally, the legislation would authorize detention of enemy belligerents without criminal charges for the duration of the hostilities consistent with standards under the law of war which have been recognized by the Supreme Court. Importantly, if a decision is made to hold a criminal trial after the necessary intelligence information is obtained, the bill mandates trial by military commission where we are best able to protect U.S. national security interests, including sensitive classified sources and methods, as well as the place and the people involved in the trial itself.

It should come as no comfort to any American that nearly 8½ years after the attacks of 9/11 we still don't have a clear mechanism, legal structure, and implementing policy for dealing with terrorists who we capture in the act of trying to bring about attacks on the U.S. and our national security interests at home and abroad. What we saw with the Christmas Day bomber was a series of missteps and staggering failures in coordination among the most senior members of the administration's national security officials that have continued to be compounded by administration apologists who still don't seem to understand that repeating the same mistakes that were made in 2001 and 2002 is going to lead to the deaths of many more Americans.

The vast majority of Americans understand that what happened with the Christmas Day bomber was a near catastrophe that was only prevented by

sheer luck and the courage of a few of the passengers and crew. A wide majority of Americans also realize that allowing a terrorist to be interrogated for only 50 minutes before he is given a Miranda warning and told he can obtain a lawyer and stop cooperating is not sufficient.

Let me be clear about where I think the fault lies with our current policy. I believe that the local FBI agents who were involved with investigating the Detroit attack are patriotic Americans who are experts in the field of law enforcement. I hold the FBI in the highest regard and believe they set the standard for law enforcement professionalism not only in the U.S., but internationally. But it is impossible for FBI field agents to know all the information that is available to the U.S. intelligence community worldwide during the first 50 minutes of interrogation of a suspected terrorist. We must ensure that the broad range of expertise that is available within our government is brought to bear on such high-value detainees. This bill mandates such coordination and places the proper focus on getting intelligence to stop an attack, rather than allowing law enforcement and preparing a case for a civilian criminal trial to drive our response.

Deliberate mass attacks that intentionally target hundreds of innocent civilians is an act of war and should not be dealt with in the same manner as a robbery. We must recognize the difference. If we don't, our response will be hopelessly inadequate. We should not be providing suspected terrorists with Miranda warnings and defense lawyers. Instead, the priority and focus must be on isolating and neutralizing the immediate threat and collecting intelligence to prevent another attack.

In closing, let me say that I hope that Congress and the administration support this legislation as part of a comprehensive solution for detaining, interrogating and prosecuting suspected enemy belligerents. However, there is a lot more work that must be done. I am continuing to work with Senator GRAHAM, Senator LIEBERMAN, and others to address other crucial aspects of detainee policy.

As part of that effort, I believe we must establish a system for long-term detention of terrorists who are too dangerous to release, but who cannot be tried in a civilian court. While the law of war authorizes detention until the end of hostilities—something the Supreme Court has recognized and which is reinforced in this bill—I believe that a review system for the long-term detention of detainees should be set out in law. Additionally, both the U.S. District Court for the District of Columbia and the D.C. Circuit Court have urged Congress to provide uniform guidelines to apply in the habeas corpus cases that have been brought by detainees. Currently, the outcomes in the Guantanamo detainee habeas cases are inconsistent because of different interpretations of novel questions of law the judges face in applying habeas to wartime prisoners for the first time in our history. I will continue to work on a bipartisan basis to improve this process to obtain better, more uniform results. I do not believe that we will have addressed all the necessary detainee policy challenges until we do so, and my efforts will not stop until we have addressed all the detainee issues in a comprehensive fashion.

While other detainee policy challenges remain, I believe the handling of the Christmas Day bomber—including the law enforcement focus and the decision to read a Miranda warning after only 50 minutes of interrogation—demand that Congress and the administration first address the issue which is most crucial to our national security. For that reason, we must have a clear policy, legal foundation, and mechanism for the detention, interrogation and trial of enemy belligerents who are suspected of engaging in hostilities against the U.S. I hope my colleagues will join me in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 434—EXPRESSING SUPPORT FOR CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. CARDIN (for himself, Ms. COLLINS, Mr. BINGAMAN, Mr. ROCKEFELLER, and Ms. MIKULSKI) submitted the following resolution, which was considered and agreed to:

S. RES. 434

Whereas several national dental organizations have observed February 2010 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved, That the Senate expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

SENATE RESOLUTION 435—SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. CASEY (for himself, Ms. SNOWE, Mr. LAUTENBERG, Mr. DORGAN, Mr. SPECTER, Mr. KERRY, Mr. BEGICH, Mr. MENENDEZ, Mr. BAYH, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 435

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 people in the United States live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively defines a diagnosis for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate that certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with, or preventing the transmission of, nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and celebrates Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate a commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2010, Multiple Sclerosis Awareness Week is recognized during the week of March 8th through March 14th: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages States, territories, and possessions of the United States and local communities to support the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States and local communities that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the people of the United States to combating multiple sclerosis by promoting awareness about the causes and risks of multiple sclerosis, and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those living with multiple sclerosis and continue to work to find cures and improve treatments.

SENATE RESOLUTION 436—EXPRESSING SUPPORT FOR THE PEOPLE AFFECTED BY THE NATURAL DISASTERS ON MADEIRA ISLAND

Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. REED, and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 436

Whereas on February 20, 2010, a powerful storm hit Madeira Island, the largest of the islands that comprise the Madeira Autonomous Region of Portugal, resulting in a series of devastating flash floods and mudslides;

Whereas the storm caused boulders, trees, and earth to be hurled against buildings, carried away vehicles, and washed away roads and bridges on the south side of Madeira Island, an area that includes Funchal, the capital of the Madeira Autonomous Region;

Whereas 42 people have lost their lives, 151 people have received treatment for injuries at the main hospital in Funchal, and hundreds of people have been displaced;

Whereas the storm destroyed a large portion of the water and communication infrastructure on Madeira Island;

Whereas José Sócrates, the Prime Minister of Portugal, has promised ''all necessary aid'' to Madeira, and Alberto João Gonçalves Jardim, the President of the Madeira Autonomous Region, has consulted with European Commission President José Manuel Barroso to seek further assistance;

Whereas a Portuguese Navy frigate has dispatched troops to Madeira Island, with Portuguese divers and a medical team also arriving to offer emergency assistance;

Whereas the Government of Portugal has announced 3 days of national mourning for those who lost their lives in this disaster;

Whereas the United States is providing assistance through the Office of Foreign Disaster Assistance of the United States Agency for International Development;

Whereas there are approximately 400 citizens of the United States on Madeira Island, with United States officials continually working to ensure their safety and well-being; and

Whereas a community of approximately 1,500,000 Portuguese-Americans, strongly represented in the States of Rhode Island and Massachusetts, maintain deep and enduring ties with Portugal and Madeira Island: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of life and expresses its deepest condolences to the families of those killed and injured by floods and mudslides resulting from the storm that hit Madeira Island on February 20, 2010;

(2) expresses solidarity between the people of the United States and Madeira, recognizing the historical ties between Portuguese-Americans, Portugal, and the Madeira Autonomous Region; and

(3) applauds the courageous rescue efforts of fire, medical, and military personnel and other volunteers in response to the flooding and mudslides.

SENATE RESOLUTION 437—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POSITIVE EFFECT OF THE UPCOMING IRAQI PARLIAMENTARY ELECTIONS ON IRAQ'S POLITICAL RECONCILIATION AND DEMOCRATIC INSTITUTIONS

Mr. KERRY (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. CASEY, Mr. GRAHAM, and Mr. KAUFMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 437

Whereas on February 27th, 2009, President Obama declared that the United States' ''clear and achievable goal'' is ''an Iraq that is sovereign, stable, and self-reliant'' and that the United States will achieve that goal by working ''to promote an Iraqi government that is just, representative, and accountable'';

Whereas in December 2009, Iraq's elected officials ended months of deadlock, passed a new election law, and scheduled parliamentary elections for March 7, 2010;

Whereas nearly 100,000 American soldiers, sailors, airmen and Marines continue to serve in Iraq, marking the United States' largest current overseas deployment;

Whereas Iraq's future sovereignty, stability, and democracy is threatened by serious internal and external challenges, including—

(1) continuing attempts by Al Qaeda in Iraq to perpetrate mass casualty terrorist attacks intended to paralyze the Iraqi state and reignite sectarian violence;

(2) some surrounding countries' malign and destabilizing interference in Iraq's internal affairs and their incomplete diplomatic recognition of Iraq;

(3) unresolved disputes over internal boundaries, including the City of Kirkuk;

(4) incomplete reintegration of Sunni Arab communities in Iraq; and

(5) ongoing incidents of civil and human rights abuses in a diverse, multiconfessional society;

Whereas, while the United States appreciates the profound conviction of the Iraqi people to ensure that the Ba'ath party never returns to power in Iraq, the process by which scores of candidates have been disqualified from participating in the March 7, 2010 elections—

(1) has not met international standards of electoral transparency and fairness;

(2) was interpreted by many Iraqis as politically motivated; and

(3) risks diminishing participation in elections;

Whereas the United States has a clear, strong, and enduring national interest in helping the people of Iraq to establish a stable, representative, and democratic state;

Whereas the United States committed, in the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq (referred to in this resolution as the ''Status of Forces Agreement'') signed in November 2008, to redeploy—

(1) all combat forces from Iraqi cities by June 30, 2009; and

(2) all United States forces from Iraq by December 31, 2011;

Whereas United States combat forces successfully redeployed from Iraq's cities by June 30, 2009, in accordance with the Status of Forces Agreement, and are likely to carry out further reductions in the number of United States military forces in Iraq during the months after the March 7, 2010 elections;

Whereas the United States and Iraq agreed in the Strategic Framework Agreement, also signed in November 2008, to ''continue to foster close cooperation concerning defense and security arrangements'';

Whereas the March 7, 2010 elections and the subsequent government formation process will mark a period of exceptional importance for the future of Iraq;

Whereas Iraq conducted provincial elections in January 2009 that were free from widespread violence and the results of which were recognized as legitimate by the internationally community and the Iraqi people;

Whereas several of Iraq's main electoral blocs have committed to a Code of Conduct meant to ensure fair, transparent, and inclusive elections:

Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the United States' strong commitment to building a robust, long-term partnership with Iraq that strengthens Iraq's security, stability, economy, and democracy;

(2) recognizes the United States' clear and enduring interest in partnering with the people of Iraq in building a stable, representative, successful, democratic state;

(3) urges the Administration—

(A) to devote continued, high-level attention and support for the people and Government of Iraq toward these goals, in particular during the critical months after the March 7, 2010 elections;

(B) to work with the international community to provide all necessary support for Iraqi elections, including technical support for Iraq's Independent High Electoral Commission and assistance for domestic and international monitoring;

(4) calls upon all parties within Iraq—

(A) to ensure that the March 7, 2010 parliamentary elections are free, fair, inclusive, and without violence or intimidation; and

(B) to refrain from rhetoric or actions that might undercut the legitimacy of such elections or inflame communal tensions;

(5) urges the countries surrounding Iraq—

(A) to refrain from exercising malign and destabilizing interference in Iraq's internal affairs; and

(B) to allow the people of Iraq to determine their own future;

(6) calls for the timely formation of an inclusive, effective, and representative new Iraqi government after the March 7, 2010 parliamentary elections;

(7) reaffirms that, while United States military forces redeploy from Iraq in the months after the March 7, 2010 elections, the United States must remain engaged in partnering with the people of Iraq to help them in building a stable, representative, and successful democratic state;

(8) expresses gratitude to the men and women of the United States Armed Forces,

the Foreign Service, and other Federal Government agencies, for their service, sacrifices, and heroism in Iraq; and

(9) commends the people of Iraq for—

(A) the courage they have shown;

(B) the sacrifices they have endured; and

(C) the hard-won gains they have made in fighting terrorism, finding peace, and building democracy.

SENATE RESOLUTION 438—DESIGNATING MARCH 2, 2010, AS ''READ ACROSS AMERICA DAY''

Mr. REED (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 438

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2010, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 13th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a Nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 439—RECOGNIZING THE EXEMPLARY SERVICE, DEVOTION TO COUNTRY, AND SELFLESS SACRIFICE OF SPECIAL WARFARE OPERATORS 2ND CLASS MATTHEW McCABE AND JONATHAN KEEFE AND SPECIAL WARFARE OPERATOR 1ST CLASS JULIO HUERTAS IN CAPTURING AHMED HASHIM ABED, ONE OF THE MOST-WANTED TERRORISTS IN IRAQ, AND PLEDGING TO CONTINUE TO SUPPORT MEMBERS OF THE UNITED STATES ARMED FORCES SERVING IN HARM'S WAY

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 439

Whereas in September 2009, Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas successfully captured Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq;

Whereas Ahmed Hashim Abed is the alleged planner of the March 21, 2004, ambush of a supply convoy in Fallujah, Iraq, which resulted in the brutal killing of 4 Blackwater security contractors;

Whereas Ahmed Hashim Abed evaded capture in Iraq for more than 5 years until his capture by the 3 Navy SEALs;

Whereas Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas are exceptional sailors who accomplished their mission in the finest tradition of the Navy SEALs and the United States Armed Forces while defending their country and protecting the citizens of Iraq;

Whereas the capture of Ahmed Hashim Abed serves as an important reminder that the United States is still engaged in a Global War on Terror; and

Whereas it is because of the efforts of these courageous Navy SEALs and other members of the Armed Forces that Americans continue to be free: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas; and

(2) pledges to continue to support members of the United States Armed Forces serving in harm's way.

SENATE RESOLUTION 440—IMPROVING THE SENATE CLOTURE PROCESS

Mr. BENNET submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 440

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas the Senate has never been intended to operate solely on the basis of majority rule; and

Whereas the Senate rules should not be abused for the purpose of delaying or otherwise preventing the business of the Senate: Now, therefore, be it

Resolved,

SECTION 1. MOTIONS TO PROCEED.

Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended to read as follows:

''2. All motions to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to a proposal to change the Standing Rules which shall be debatable.''.

SEC. 2. PROCESS FOR ENDING THE DEBATE.

(a) MOTION TO REDUCE TIME FOR CLOTURE PETITION TO RIPEN.—The first sentence of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting after ''but one'' the following: ''(unless by two-thirds affirmative vote of the Senators duly chosen and sworn the Senate has agreed to a motion to reduce time)''.

(b) ALLOWING FOR A MOTION TO REDUCE TIME POSTCLOTURE.—The fourth undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking the second and third sentences and inserting: ''The thirty hours may be increased or decreased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators present and voting, and any such time thus agreed upon shall be equally divided and controlled by the Majority and Minority Leaders or their designees. However, only one motion to reduce or extend time, specified above, may be made in any one calendar day.''.

(c) MINORITY MUST VOTE IN THE NEGATIVE, OR ELSE CLOTURE IS INVOKED.—The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking ''And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn'' and inserting ''And if that question is decided in the affirmative and there are not negative votes by at least forty-one hundredths of the Senators duly chosen and sworn''.

(d) ENCOURAGING BIPARTISAN NEGOTIATIONS AND BIPARTISAN COALITION BUILDING.—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

''In the event that 3 attempts to bring the debate to a close on any particular measure, motion, other matter pending before the Senate, or the unfinished business, have not received the requisite number of votes to bring the debate to a close under this paragraph, then for any subsequent attempt to bring the debate to a close on that particular measure, motion, other matter pending before the Senate, or the unfinished business, the threshold required of those voting in the negative in order to prevent the debate from coming to a close shall be 45 hundredths of the Senators duly chosen and sworn, unless at least one of the Senators present and voting in the negative, caucuses with the party of the Majority Leader, in which case the threshold required of those voting in the negative in order to prevent the debate from coming to a close shall remain 41 hundredths of the Senators duly chosen and sworn. If there is one member of the Majority voting to maintain the filibuster for purposes of the preceding sentence maintaining the threshold for blocking cloture at 41 hundredths, the threshold shall be raised to 45 hundredths if 3 of those voting in the affirmative to bring debate to a close caucus with the party of the Minority Leader. For purposes of this undesignated paragraph, only those Senators permitted to caucus with the party of the Majority Leader, by the Majority Leader, shall be considered to caucus with the party of the Majority Leader. The Majority Leader shall request that a list of Senators caucusing with the party of the Majority Leader be listed in the Congressional Record, and any time that the Majority Leader shall regard composition of such list as having changed, the Majority Leader shall request that a new and updated list be printed in the Congressional Record.''.

SEC. 3. HOLDS.

The Standing Rules of the Senate are amended by inserting at the end the following:

''RULE XLV

''PROCESS FOR HOLDS

''1. A Senator who provides notice either to leadership or during open public debate in the full Senate of intention to object to proceeding to a motion or matter shall disclose the objection in the Congressional Record not later than 2 session days after the date of such notice. Upon the placement of the disclosure of objection in the Congressional Record, the Senate shall only continue to recognize the objection if the objection is raised as provided in this paragraph at least by one Senator who caucuses with the party of the Majority Leader and by one Senator who caucuses with the party of the Minority Leader. Under no circumstance shall a particular objection to a nomination be recognized for more than 30 days.

''2. If a second objection is raised to a nomination, no additional time beyond the 30-day limit of the first objection to the nominee shall be in order unless the second objection is raised by both at least one Senator who caucuses with the party of the Majority Leader but who did not raise the first objection, and also at least one Senator who caucuses with the party of the Minority Leader but who did not raise the first objection.

''3. In this rule, the term 'with the party of the Majority Leader' has the same meaning as in rule XXII. The process for determining what Senator caucuses with the party of the Minority Leader under this rule shall be at the discretion of the Minority Leader but shall follow the analogous rule XXII process.''.

SENATE RESOLUTION 441—RECOGNIZING THE HISTORY AND CONTINUED ACCOMPLISHMENTS OF WOMEN IN THE ARMED FORCES OF THE UNITED STATES

Mrs. BOXER (for herself, Ms. COLLINS, Mrs. SHAHEEN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mrs. MURRAY, Mrs. HUTCHISON, Mr. DURBIN, Mrs. LINCOLN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. BURRIS, Mrs. GILLIBRAND, Ms. STABENOW, and Ms. LANDRIEU, Mr. BYRD, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 441

Whereas women of diverse ethnic, religious, socioeconomic, and racial backgrounds have made extraordinary contributions to each service of the Armed Forces;

Whereas today women volunteer to serve the Nation and distinguish themselves in the active and reserve components of the Army, Marine Corps, Navy, Air Force and Coast Guard;

Whereas the contributions of generations of women have contributed to the collective success of women in military service and the freedom and security of the United States;

Whereas women have served with honor, courage, and a pioneering spirit in every major military campaign in the history of the United States since the Revolutionary War;

Whereas Dr. Mary E. Walker was the first, and remains the only, woman awarded the Medal of Honor for her contributions to military medicine and selfless actions during the Civil War;

Whereas the role of women expanded during World War I, with women serving as medical professionals and telephone operators and in other support roles that were critical to the war effort;

Whereas, during World War II, women served in every military service and in every theater and received awards for their gallantry, including four Silver Stars;

Whereas the Women's Armed Services Integration Act of 1948 (62 Stat. 356, chapter 449) established permanent positions and granted veterans benefits for women in the Armed Forces and allowed women to serve during the Korean War as regular members of the military;

Whereas, during the Vietnam War, roughly 7,500 women served in the Armed Forces in Southeast Asia as Nurse Corps officers and in other vital capacities where they saved lives and supported their fellow service members;

Whereas, in 1976, the service academies first admitted women, and in 1980, the first women graduated from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy;

Whereas women were assigned to the first gender-integrated units during the 1980s, with women serving alongside men in Operation Urgent Fury in Grenada and Operation Just Cause in Panama;

Whereas an unprecedented 40,000 women deployed as uniformed members of the Armed Forces in support of Operations Desert Storm and Desert Shield;

Whereas, in 1991, Congress repealed laws prohibiting women from flying combat missions and in 1993 repealed the restriction on women serving on combat vessels;

Whereas, on June 16, 2005, Sergeant Leigh Ann Hester, an Army National Guard Military Police Soldier, became the first woman to receive the Silver Star since World War II for exceptional valor during an ambush on her convoy in Iraq;

Whereas, on November 14, 2008, General Ann Dunwoody became the first woman in the military to achieve the rank of four-star general;

Whereas, according to the Department of Defense, there are currently 203,375 women on active duty in the Armed Forces, many of whom have been deployed in harm's way;

Whereas, as of January 2, 2010, 104 military women have lost their lives in Operation Iraqi Freedom and 20 military women have lost their lives in Operation Enduring Freedom;

Whereas, as of February 6, 2010, 616 military women have been wounded in action in Iraq, and 50 military women have been wounded in action in Afghanistan;

Whereas, according to the Department of Veterans Affairs, as of February 1, 2010, there were 1,824,000 women veterans of the Armed Forces;

Whereas women help make the military of the United States the finest in the world by serving frequent and lengthy deployments under the most difficult conditions;

Whereas women in the Armed Forces frequently balance the rigors of a military career with the responsibilities of maintaining a healthy family;

Whereas women serving in combat theaters have been exposed to the same hazards and harsh conditions as male service members, and have sustained grave injuries and have given their lives in service to our Nation;

Whereas all service members, both men and women, deserve fair compensation for service related injuries, proper health care and rehabilitation, and the respect of a grateful Nation for their selfless service, sacrifice, and loyalty; and

Whereas women have made our Nation safer and more secure, while representing the values that we hold dear: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the contributions of women to our national defense and their importance in the rich history of the United States;

(2) celebrates the role that women have played in securing our Nation and defending our freedom;

(3) recognizes the unique challenges that women have overcome to expand the role of women in military service;

(4) agrees that programs available for women service members and veterans should be strengthened and enhanced, including for those who are dealing with invisible wounds of war; and

(5) strongly encourages the people of the United States to honor women veterans who have served our Nation and to elevate their stature in our national conscience.

SENATE RESOLUTION 442—CONGRATULATING THE PEOPLE OF THE REPUBLIC OF LITHUANIA ON THE ACT OF THE RE-ESTABLISHMENT OF THE STATE OF LITHUANIA, OR ACT OF MARCH 11, AND CELEBRATING THE RICH HISTORY OF LITHUANIA

Mr. DURBIN (for himself, Mr. CARDIN, Mr. WICKER, Mr. LUGAR, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 442

Whereas the name ''Lithuania'' first appeared in European records in the year 1009, when it was mentioned in the German manuscript ''Annals of Quedlinburg'';

Whereas the February 16, 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic State;

Whereas, under the German-Soviet Treaty of Friendship, Cooperation and Demarcation, on June 15, 1940, Lithuania was forcibly incorporated into the Soviet Union in violation of preexisting peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic States, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas Lithuania assumed Presidency of the Community of Democracies in September 2009, and will hold this position until 2011;

Whereas, in 2010, the United States Government and the Government of Lithuania celebrated 88 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the people of the Republic of Lithuania on the occasion of the Act of the Re-Establishment of the State of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious, and economic freedom, and for its commitment to human rights;

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania; and

(4) calls on the President to continue to build on the close and mutually beneficial

relations the United States has enjoyed with Lithuania since the restoration of the full independence of Lithuania.

SENATE RESOLUTION 443—HONORING THE LIFE AND SERVICE OF ENRIQUE ''KIKI'' CAMARENA

Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 443

Whereas, 25 years ago, in March 1985, Drug Enforcement Administration (DEA) Special Agent Enrique ''Kiki'' Camarena made the ultimate sacrifice fighting drugs;

Whereas Special Agent Camarena, an 11-year veteran special agent of the DEA, was kidnapped, tortured, and murdered in the line of duty while engaged in the battle against illicit drugs;

Whereas Special Agent Camarena joined the DEA in June 1974, as an agent with the Calexico, California District Office;

Whereas Special Agent Camarena was assigned to the Fresno District Office in September 1977, and transferred to the Guadalajara Resident Office in July 1981;

Whereas on February 7, 1985, when leaving the Guadalajara Resident Office to join his wife, Geneva, for lunch, Special Agent Camarena was surrounded by 5 armed men and forced into a car, which sped away;

Whereas February 7, 1985, was the last time anyone, other than his kidnappers, would see Special Agent Camarena alive;

Whereas the body of Special Agent Camarena was discovered on March 5, 1985, on a ranch approximately 60 miles southeast of Guadalajara, Mexico;

Whereas to date, 22 individuals have been indicted in Los Angeles, California for their roles in the Camarena murder, including high ranking government officials, cartel drug lords, lieutenants, and soldiers;

Whereas of the 22 individuals indicted in Los Angeles, 8 have been convicted and are imprisoned in the United States, 6 have been incarcerated in Mexico and are considered fugitives with outstanding warrants issued in the United States, 4 are believed deceased, 1 was acquitted at trial, and 3 remain fugitives believed to be residing in Mexico;

Whereas an additional 25 individuals were arrested, convicted, and imprisoned in Mexico for their involvement in the Camarena murder;

Whereas the men and women of the DEA will continue to seek justice for the murder of Special Agent Camarena;

Whereas during his 11 year career with the DEA, Special Agent Camarena received 2 Sustained Superior Performance Awards, a Special Achievement Award, and, posthumously, the Administrator's Award of Honor, the highest award granted by the DEA;

Whereas prior to joining the DEA, Special Agent Camarena served 2 years in the Marine Corps, as well as serving as a fireman in Calexico, a police investigator, and a narcotics investigator for the Imperial County Sheriff Coroner;

Whereas Red Ribbon Week, which has been nationally recognized since 1988, is the oldest and largest drug prevention program in the Nation, reaches millions of young people each year, and is celebrated annually October 23 through October 31, was established to help preserve the memory of Special Agent Camarena and to further the cause for which he gave his life, the fight against the violence of drug crime and the misery of addiction; and

Whereas Special Agent Camarena will be remembered as an honorable and cherished public servant and his sacrifice should be a reminder every October during Red Ribbon Week of the dangers associated with drug use and drug trafficking: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation for the profound dedication and public service of Enrique ''Kiki'' Camarena;

(2) tenders its deep sympathy and appreciation to his wife, Geneva, to his 3 children, Enrique, Daniel, and Erik, and to his family, friends, and former colleagues of the Drug Enforcement Administration;

(3) encourages communities and organizations throughout the United States to commemorate the sacrifice of Special Agent Camerana through the promotion of drug-free communities and participation in drug prevention activities which show support for healthy, productive, and drug-free lifestyles; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Enrique ''Kiki'' Camarena.

SENATE RESOLUTION 444—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY OF VANCOUVER V. GALLOWAY

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 444

Whereas, in the case of City of Vancouver v. Galloway, Cr. No. 171555V, pending in Clark County District Court in Vancouver, Washington, the prosecution has requested testimony from Allison Creagan-Frank and Bethany Works, former employees of the office of Senator Patty Murray;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, are authorized to testify in the case of City of Vancouver v. Galloway, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 445—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 445

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3402. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3403. Mr. KERRY (for himself, Mr. SPECTER, Mr. SCHUMER, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3404. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3405. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3406. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3407. Mr. INOUYE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3408. Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3409. Mr. BROWN, of Ohio submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3410. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3411. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3412. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3413. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3414. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3415. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3416. Mrs. LINCOLN (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3417. Mr. REID (for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3418. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3419. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3421. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3422. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3423. Mr. BROWNBACK (for himself, Mr. ROBERTS, Ms. CANTWELL, Mr. ENSIGN, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3424. Mrs. HAGAN (for herself, Mr. BURR, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3426. Mr. REID (for Mr. LEVIN) proposed an amendment to the resolution S. Res. 372, designating March 2010 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

SA 3427. Mr. MCCAIN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 3428. Mr. ROCKEFELLER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3402. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1968 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. MODIFICATIONS TO RUM COVER-OVER PROGRAM.

(a) IN GENERAL.—Section 7652 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) DISTRIBUTION OF RUM TAXES BETWEEN PUERTO RICO AND THE VIRGIN ISLANDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of subsections (a)(3)(B), (b)(3)(B), and (e)(2), the amount to be divided between and covered into the treasury of any applicable territory under this subsection shall bear the same ratio to the total amount covered into the treasuries of all applicable territories under subsection (a)(3)(B), (b)(3)(B), or (e)(2), as the case may be, as the population of such applicable territory bears to the total combined population of all applicable territories.

''(2) TRANSITION RULE.—In the case of any calendar year before 2030, the amount to be divided between and covered into the treasury of any applicable territory under this subsection shall be equal to the sum of—

''(A) the amount which would be determined under subsection (a)(3)(B), (b)(3)(B), or (e)(2), as the case may be, with respect to such applicable territory before the date of the enactment of this subsection, plus

''(B) the product of—

''(i) the transition percentage, and

''(ii) the difference of—

''(I) the amount which would be determined under paragraph (1) for such calendar year if this paragraph did not apply, minus

''(II) the amount described in subparagraph (A).

''(3) DEFINITIONS AND OTHER RULES.—For purposes of this section—

''(A) APPLICABLE TERRITORY.—The term 'applicable territory' means Puerto Rico and the Virgin Islands.

''(B) POPULATION.—For purposes of paragraph (1), the respective populations of the applicable territories shall be determined on the basis of the most recent census estimate of the resident population of each released by the Bureau of the Census before the beginning of the calendar year.

''(C) TRANSITION PERCENTAGE.—

''(i) IN GENERAL.—The transition percentage for calendar year 2010 is 5 percent.

''(ii) SUBSEQUENT YEARS.—In the case of any calendar year beginning after 2010, the transition percentage shall the percentage (not to exceed 100 percent) equal to the sum of the transition percentage for the preceding calendar year plus 5 percentage points.''.

(b) CONFORMING AMENDMENTS.—

(1) SHIPMENTS FROM PUERTO RICO.—Paragraph (3) of section 7652(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) DEPOSIT OF INTERNAL REVENUE COLLECTIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), all taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be covered into the treasury of Puerto Rico.

''(B) RUM.—All taxes collected under the internal revenue laws of the United States on rum (as defined in subsection (e)(3)) produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be divided between and covered into the treasuries of the applicable territories as provided in subsection (i).''.

(2) SHIPMENTS FROM THE VIRGIN ISLANDS.—Paragraph (3) of section 7652(b) of such Code is amended to read as follows:

''(3) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—

''(A) IN GENERAL.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on articles not described in subparagraph (B) which are produced in the Virgin Islands and transported to the United States. The amount so determined, plus the amounts determined with respect to the Virgin Islands under subparagraph (B) and subsection (a)(3)(B), less 1 percent of the total of such amounts and less the estimated amount of refunds or credits, shall be subject to disposition as follows:

''(i) The payment of an estimated amount shall be made to the government of the Virgin Islands before the commencement of each fiscal year as set forth in section 4(c)(2) of the Act entitled 'An Act to authorize appropriations for certain insular areas of the United States, and for other purposes', approved August 18, 1978 (48 U.S.C. 1645), as in effect on the date of the enactment of the Trade and Development Act of 2000. The payment so made shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine.

''(ii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

If at the end of any fiscal year the total of the Federal contribution made under clause (i) with respect to the four calendar quarters immediately preceding the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for

emergency relief purposes and essential public projects. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only shall not exceed the sum of $5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of $5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts.

''(B) RUM.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on rum (as defined in subsection (e)(3)) produced in the Virgin Islands and transported to the United States. The amount so determined shall be divided between and covered into the treasuries of the applicable territories as provided in subsection (i).''.

(3) OTHER SHIPMENTS TO THE UNITED STATES.—Paragraph (2) of section 7652(e) of such Code is amended to read as follows:

''(2) DISTRIBUTION OF TAXES.—Such tax collections shall be divided between Puerto Rico and the Virgin Islands as provided in subsection (i). The Secretary shall prescribe by regulation the timing and methods for transferring such tax collections.''.

(c) PERMANENT EXTENSION OF INCREASED LIMITATION ON COVER OVER.—Paragraph (1) of section 7652(f) of the Internal Revenue Code of 1986 is amended by striking ''$10.50 ($13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2010)'' and inserting ''$13.25''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxes collected after the date of the enactment of this Act.

(2) LIMITATION ON COVER-OVER.—The amendment made by subsection (c) shall apply to distilled spirits brought into the United States after December 31, 2009.

SA 3403. Mr. KERRY (for himself, Mr. SPECTER, Mr. SCHUMER, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, insert the following:

SEC. __. 1-YEAR EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting '', and for fiscal year 2011, $2,500,000,000,'' before ''for payment'';

(2) in paragraph (2)(B)—

(A) by inserting ''for fiscal year 2009'' after ''under subparagraph (A)''; and

(B) by inserting before the period the following: '', and may be used to make payments to a State during fiscal year 2011 with respect to expenditures incurred by such State during fiscal year 2009 or 2010. The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall be used to make grants to States during such fiscal year in accordance with the requirements of paragraph (3), and may be used to make payments to a State during fiscal year 2012 with respect to expenditures incurred by such State during fiscal year 2011'';

(3) by striking paragraph (2)(C) and inserting the following:

''(C) LIMITATIONS.—

''(i) IN GENERAL.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2012.

''(ii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, $500,000 shall be placed in reserve for use in fiscal year 2012. Such amounts shall be used to award grants for any expenditures incurred by States after September 30, 2011.'';

(4) in clause (i) of each of subparagraphs (A), (B), and (C) of paragraph (3), by striking ''year 2009 or 2010'' and inserting ''years 2009 through 2011'';

(5) by adding at the end of paragraph (3) the following:

''(D) GRANT RELATED TO INCREASED EXPENDITURES FOR EMPLOYMENT SERVICES.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2011, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) EMPLOYMENT SERVICES EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for employment services in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).'';

(6) in paragraph (4), by striking ''and subsidized employment'' and inserting ''subsidized employment, and employment services'';

(7) in paragraph (5)—

(A) in the paragraph heading, by inserting ''ON PAYMENTS; ADJUSTMENT AUTHORITY'' after ''LIMITATION'';

(B) by striking ''The total amount'' and inserting the following:

''(A) IN GENERAL.—The total amount'';

(C) by inserting after ''grant'' the following: ''The total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 25 percent of the annual State family assistance grant.''; and

(D) by adding at the end the following:

''(B) ADJUSTMENT AUTHORITY.—The Secretary may issue a Program Instruction without regard to the requirements of section 553 of title 5, United States Code, specifying priority criteria for awarding grants to States for fiscal year 2011 or adjusting the percentage limitation applicable under subparagraph (A) with respect to the total amount payable to a single State for such fiscal year, if the Secretary determines that the Emergency Fund is at risk of being depleted prior to September 30, 2011, or the Secretary determines that funds are available to accommodate additional State requests.''; and

(8) in paragraph (9)—

(A) in subparagraph (B)(i), by striking ''or 2008'' and inserting '', 2008, or 2009'';

(B) by adding at the end of subparagraph (B)(ii) the following:

''(IV) The total expenditures of the State for employment services, whether under the State program funded under this part or as qualified State expenditures.''; and

(C) by adding at the end the following:

''(D) EMPLOYMENT SERVICES.—The term 'employment services' means services designed to help an individual begin, remain, or advance in employment, as defined in program guidance issued by the Secretary (without regard to section 553 of title 5, United States Code).''.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking all that follows ''repealed'' and inserting a period; and

(2) in subsection (d)(1), by striking ''2010'' and inserting ''2011''.

SEC. __. INTELLIGENT ASSIGNMENT IN ENROLLMENT.

(a) IN GENERAL.—Section 1860D-1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(C)) is amended by inserting after ''PDP region'' the following: ''or through use of an intelligent assignment process that is designed to maximize the access of such individual to necessary prescription drugs while minimizing costs to such individual and to the program under this part to the greatest extent possible. In the case the Secretary enrolls such individuals through use of an intelligent assignment process, such process shall take into account the extent to which prescription drugs necessary for the individual are covered in the case of a PDP sponsor of a prescription drug plan that uses a formulary, the use of prior authorization or other restrictions on access to coverage of such prescription drugs by such a sponsor, and the overall quality of a prescription drug plan as measured by quality ratings established by the Secretary''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect for contract years beginning with 2012.

SEC. __. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) of the Internal Revenue Code of 1986 are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 of such Code is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SA 3404. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. ___. RURAL COMMUNITY GRANT APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible rural community may submit to the appropriate Federal official an application for a grant under an applicable Federal program.

(b) ELIGIBILITY.—To be eligible to submit an application under subsection (a), a rural community shall comply with the following:

(1) The community shall submit to the State in which the community is located, an application for a grant under an applicable Federal program. Such State shall forward all such applications to the appropriate Federal officials involved.

(2) The community shall provide assurances that the community will comply with the requirements otherwise applicable with respect to the grant under the applicable Federal program.

(3) The community shall comply with any other requirements applied by the appropriate Federal official.

(c) DEFINITIONS.—In this section:

(1) APPLICABLE FEDERAL PROGRAM.—The term ''applicable Federal program'' means a grant program that—

(A) is administered by a Federal department or agency;

(B) provides authority to award grants only on a Statewide (or territory-wide) basis; and

(C) is certified by the appropriate Federal official as being a program under which a rural community will be eligible to receive a grant under the authority provided under this section.

(2) APPROPRIATE FEDERAL OFFICIAL.—The term ''appropriate Federal official'' means a Federal official that is responsible for administering an applicable Federal program.

(3) RURAL COMMUNITY.—The term ''rural community'' has the meaning given such term by the State involved.

(d) REGULATIONS.—Each appropriate Federal official shall promulgate regulations with respect to the participation of eligible rural communities in any applicable Federal programs administered by each such official.

SA 3405. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

SEC. _____. REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $36,000,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3406. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 13, strike ''$354,000,000'' and insert ''$560,000,000''.

On page 92, line 19, strike ''February'' and insert ''March''.

On page 92, after line 20, add the following:

(3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 2010.

SA 3407. Mr. INOUYE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—OTHER MATTERS

SEC. _____01. FUNDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DISASTER RELIEF.

There are appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Department of Homeland Security under the heading ''DISASTER RELIEF'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'', $5,100,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this section, up to $5,000,000 shall be transferred to the Department of Homeland Security under the heading ''OFFICE OF INSPECTOR GENERAL'' for audits and investigations relating to disasters.

SEC. _____02. BLACK FARMERS DISCRIMINATION LITIGATION.

(a) There is hereby appropriated to the Department of Agriculture, $1,150,000,000, to remain available until expended, to carry out the terms of a Settlement Agreement (''such Settlement Agreement'') executed in In re Black Farmers Discrimination Litigation, No. 08–511 (D.D.C.) that is approved by a court order that has become final and non-appealable, and that is comprehensive and provides for the final settlement of all remaining Pigford claims (''Pigford claims''), as defined in section 14012(a) of Public Law 110–246. The funds appropriated herein for such Settlement Agreement are in addition to the $100,000,000 in funds of the Commodity Credit Corporation (CCC) that section 14012 made available for the payment of Pigford claims and are available only after such CCC funds have been fully obligated. The use of the funds appropriated herein shall be subject to the express terms of such Settlement Agreement. If any of the funds appropriated herein are not used for carrying out such Settlement Agreement, such funds shall be returned to the Treasury and shall not be made available for any purpose related to section 14012, for any other settlement agreement executed in In re Black Farmers Discrimination Litigation, No. 08–511 (D.D.C.), or for any other purpose. If such Settlement Agreement is not executed and approved as provided above, then the sole funding available for Pigford claims shall be the $100,000,000 of funds of the CCC that section 14012 made available for the payment of Pigford claims.

(b) Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into such Settlement Agreement or any other settlement agreement.

(c) Nothing in this section shall be construed as creating the basis for a Pigford claim.

(d) Section 14012 of Public Law 110–246 is amended by striking subsections (e), (i)(2) and (j), and redesignating the remaining subsections accordingly.

SEC. _____03. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) SHORT TITLE.—This section may be cited as the ''Individual Indian Money Account Litigation Settlement Act of 2010''.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term ''Amended Complaint'' means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term ''Land Consolidation Program'' means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractionated interests in trust or restricted land.

(3) LITIGATION.—The term ''Litigation'' means the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, Civil Action No. 96–1285 (JR).

(4) PLAINTIFF.—The term ''Plaintiff'' means a member of any class certified in the Litigation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT.—The term ''Settlement'' means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term ''Trust Administration Class'' means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation on jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under sub-paragraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) ACCOUNTING/TRUST ADMINISTRATION FUND.—

(1) IN GENERAL.—Of the amounts appropriated by section 1304 of title 31, United States Code, $1,412,000,000 shall be deposited in the Accounting/Trust Administration Fund, in accordance with the Settlement.

(2) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of paragraph (1).

(g) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Trust Land Consolidation Fund''.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program: and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund $2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than $60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund., to be known as the ''Indian Education Scholarship Holding Fund''.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(h) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource,

for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program.

SEC. _____04. EMERGENCY DESIGNATIONS.

(a) IN GENERAL.—Each amount in this title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) PAYGO.—Each amount in this title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139).

SA 3408. Mr. BINGAMAN (for himself and Mrs. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C(d)(1)(B) is amended by striking ''$2,300,000,000'' and inserting ''$7,300,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2009.

SA 3409. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C(d)(1)(B) is amended by striking ''$2,300,000,000'' and inserting ''$7,300,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2009.

SEC. _____. EXCISE TAX ON BONUSES RECEIVED BY EMPLOYEES OF BUSINESSES RECEIVING TARP FUNDS.

(a) IN GENERAL.—Chapter 46 is amended by adding at the end the following new section:

''SEC. 4999A. BONUSES PAID BY TARP RECIPIENTS.

''(a) IN GENERAL.—In the case of any payment of compensation during 2010 in the nature of a bonus by a TARP recipient to any employee or former employee of such recipient, there is hereby imposed a tax equal to 50 percent of so much of such compensation as exceeds $50,000.

''(b) TAX PAID BY BONUS RECIPIENT.—The tax imposed by this section shall be paid by such employee or former employee.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) TARP RECIPIENT.—The term 'TARP recipient' means any person who receives funds under title I of the Emergency Economic Stabilization Act of 2008.

''(2) EMPLOYEE.—The term 'employee' includes officers and executives.

''(3) ENTITIES ACQUIRED BY TARP RECIPIENTS.—If more than 50 percent of the equity interests in any person is acquired by a TARP recipient, such person shall be treated as a TARP recipient for purposes of this section and subsection (a) shall apply to applicable compensation paid by such person after the earlier of the date of such acquisition or the date that such acquisition is announced.

''(4) CERTAIN CONTROLLED GROUPS, ETC.—All employees who are treated as employed by a single employer under subsections (b), (c), or (m) of section 414 shall be treated as employed by a single employer for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 46 is amended by adding at the end the following new item:

''Sec. 4999A. Bonuses paid by TARP recipients.''.

SA 3410. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 201 and insert the following:

SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''December 31, 2010'';

(B) in the heading for subsection (b)(2), by striking ''APRIL 5, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in subsection (b)(3), by striking ''September 4, 2010'' and inserting ''May 31, 2011''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''April 5, 2010'' and inserting ''December 31, 2010'';

(B) in the heading for paragraph (2), by striking ''APRIL 5, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in paragraph (3), by striking ''October 5, 2010'' and inserting ''June 30, 2011''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''January 1, 2011''; and

(B) in subsection (c), by striking ''September 4, 2010'' and inserting ''June 1, 2011''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''September 4, 2010'' and inserting ''May 31, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking ''and'' at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Strike section 211 and insert the following:

SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking ''March 31, 2010'' and inserting ''December 31, 2010''.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

''(18) RULES RELATED TO 2010 EXTENSION.—

''(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual's 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

''(i) such individual's qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

''(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

''(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual's 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

''(C) 2010 TRANSITION PERIOD.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transition period' means, with respect to any assistance eligible individual, any period of coverage if—

''(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

''(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

''(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

''(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

In section 212, strike ''December 31, 2009'' and insert ''March 31, 2010''.

In section 231, strike ''this title'' and insert ''this Act''.

In section 241(1), strike ''March 1, 2010'' and insert ''March 31, 2010''.

In section 601(1), strike ''February 28, 2010'' and insert ''March 31, 2010''.

In section 601(2), strike ''March 1, 2010'' and insert ''April 1, 2010''.

SA 3411. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 192, insert the following:

SEC. 193. EXTENSION OF SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 15345(d)(1)(D) of the Food Conservation and Energy Act of 2008 (Public Law 110-246) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Section 15345(d)(1)(F) of such Act is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 15345 of the Food Conservation and Energy Act of 2008.

SA 3412. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FUNDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DISASTER RELIEF.

There are appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Department of Homeland Security under the heading ''DISASTER RELIEF'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'', $5,100,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this section, up to $5,000,000 shall be transferred to the Department of Homeland Security under the heading ''OFFICE OF INSPECTOR GENERAL'' for audits and investigations relating to disasters: *Provided further*, That this section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)), and designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3413. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

SEC. _____. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

''(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2009, with respect to leases entered into on or before March 12, 2004.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004, but shall not apply to any transaction that is the subject of a closing agreement under the provisions of section 7121 of the Internal Revenue Code of 1986 that is final as of the date of the enactment of this Act.

(c) NO INFERENCE.—Nothing in the amendment made by this section shall be construed to create an inference regarding the authority of the Internal Revenue Service to challenge transactions described in such amendment for taxable years beginning before January 1, 2010.

SA 3414. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. 602. ENSURING CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term ''Administration'' means the Transportation Security Administration;

(2) the term ''Assistant Secretary'' means the Assistant Secretary of Homeland Security, Transportation Security Administration;

(3) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the meanings given those terms under section 3 of the Small Business Act (15 U.S.C. 632); and

(4) the term ''small business concern owned and controlled by socially and economically disadvantaged individuals'' has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(b) REQUIREMENTS FOR PRIME CONTRACTS.—The Assistant Secretary shall include in each contract, valued at $300,000,000 or more, awarded for procurement of products or services acquired for the Administration—

(1) a requirement that the contractor shall submit to the Assistant Secretary and implement a plan for the award, in accordance with other applicable requirements, of subcontracts under the contract to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), institutions of higher education receiving assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101 et seq.), and Native Corporations created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(2) a requirement that the contractor shall submit to the Assistant Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with the plan submitted under paragraph (1), including a specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, institutions, and corporations referred to in paragraph (1).

(c) UTILIZATION OF ALLIANCES.—The Assistant Secretary shall seek to facilitate award of contracts by the Administration to teams of small business concerns, institutions, and corporations referred to in subsection (b)(1).

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than October 31 of each year, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report on the award of contracts to small business concerns, institutions, and corporations referred to in subsection (b)(1) during the preceding fiscal year.

(2) CONTENTS.—Each report submitted by the Assistant Secretary under paragraph (1) shall—

(A) for contracts to small business concerns, institutions, and corporations referred to in subsection (b)(1) awarded during the preceding fiscal year, specify—

(i) the value of the contracts, by dollar amount and as a percentage of the total dollar value of all contracts awarded by the Administration in the fiscal year; and

(ii) the total dollar value of the contracts awarded to each of the categories of small business concerns, institutions, and corporations referred to in subsection (b)(1); and

(B) if the percentage specified under subparagraph (A)(i) is less than 25 percent, an explanation of—

(i) why the percentage is less than 25 percent; and

(ii) what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.

SA 3415. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45R. MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified taxpayer, the multiemployer plan contribution credit for any taxable year is an amount equal to 50 percent of the taxpayer's qualified multiemployer plan contributions for the taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED MULTIEMPLOYER PLAN CONTRIBUTION.—The term 'qualified multiemployer plan contribution' means the amount of contributions paid pursuant to a collective bargaining agreement by a qualified taxpayer to a qualified multiemployer plan for a taxable year.

''(2) QUALIFIED TAXPAYER.—The term 'qualified taxpayer' means any employer that is—

''(A) engaged primarily in the active conduct of the trade or business of carrying freight for unrelated third parties that was engaged in such trade or business on the date of enactment of the Motor Carrier Act of 1980; and

''(B) a party to—

''(i) the National Master Freight Agreement, or

''(ii) a collective bargaining agreement that includes terms substantially similar to the National Master Freight Agreement as in effect on April 1, 2008, or thereafter.

''(3) QUALIFIED MULTIEMPLOYER PLAN.—The term 'qualified multiemployer plan' means a defined benefit plan that is a multiemployer plan (as defined in section 414(f)).

''(c) NONINCLUSION OF INCREASED CONTRIBUTIONS.—A qualified taxpayer's qualified multiemployer plan contribution shall not include any amount attributable to an increase in the rate of contributions to a qualified multiemployer plan after September 1, 2009, except to the extent that such increase is required by the terms of a collective bargaining agreement in effect on April 1, 2008. For purposes of the preceding sentence, a subsequent amendment or extension of a collective bargaining agreement in effect on April 1, 2008 shall not result in an inclusion of any additional amount attributable to an increased rate of contributions for purposes hereof.

''(d) SPECIAL RULES.—

''(1) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified multiemployer plan contributions for the taxable year which is equal to the credit determined under subsection (a).

''(2) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (b) and (c) of section 414 shall be treated as a single taxpayer.

''(3) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year to the extent such taxpayer elects to have this section not apply with respect to all or a portion of the taxpayer's qualified multiemployer plan contribution for such taxable year.

''(e) TERMINATION.—This section shall not apply to contributions made after December 31, 2013.''.

(b) CREDIT TREATED AS PART OF BUSINESS CREDIT.—

(1) IN GENERAL.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (34), striking the period at the end of paragraph (35), and inserting '', plus'', and by adding at the end the following new paragraph:

''(36) the multiemployer plan contribution credit determined under section 45R(a).''.

(2) SPECIAL RULES FOR CARRYBACK OF CREDIT.—

(A) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—Notwithstanding subsection (d), in the case of the multiemployer plan contribution credit—

''(A) this section shall be applied separately from the business credit (other than the multiemployer plan contribution credit and the marginal oil and gas well production credit),

''(B) paragraph (1) shall be applied by substituting by substituting 'each of the 10 taxable years' for 'the taxable year' in subparagraph (A) thereof; and

''(C) paragraph (2) shall be applied—

''(i) by substituting '30 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '29 taxable years' for '20 taxable years' in subparagraph (B) thereof.''.

(B) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of such Code is amended by inserting ''and the multiemployer plan contribution credit'' after ''marginal oil and gas well production credit''.

(3) TREATMENT UNDER ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—

''(A) IN GENERAL.—In the case of the multiemployer plan contribution credit—

''(i) this section and section 39 shall be applied separately with respect to such credit, and

''(ii) for purposes of applying paragraph (1) to such credit—

''(I) 10 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed by subsection (a) for the taxable year (other than the multiemployer plan contribution credit).

''(B) MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—For purposes of this paragraph, the term 'multiemployer plan contribution credit' means the portion of the credit under subsection (a) which is attributable to the credit determined under section 45R.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 38(c)(2)(A)(II) of such Code is amended by striking ''and the specified credits'' and inserting ''the specified credits, and the multiemployer plan contribution credit''.

(ii) Section 38(c)(3)(A)(II) of such Code is amended by striking ''and the specified credits'' and inserting ''the specified credits, and the multiemployer plan contribution credit''.

(iii) Section 38(c)(4)(A)(II) of such Code is amended by striking ''the specified credits'' and inserting ''the specified credits and the multiemployer plan contribution credit''.

(c) CONFORMING AMENDMENTS.—Subsection (c) of section 196 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', and'', and by adding at the end the following new paragraph:

''(14) the multiemployer plan contribution credit determined under section 45R(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45R. Multiemployer plan contribution credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made to qualified multiemployer plans on or after January 1, 2010.

SA 3416. Mrs. LINCOLN (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. GRANTS FOR ENERGY EFFICIENT APPLIANCES IN LIEU OF TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable.

SA 3417. Mr. REID (for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 6___. ALLOCATION OF GEOTHERMAL RECEIPTS.

Nothwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and

rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SA 3418. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—SMALL BUSINESS JOB CREATION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Small Business Job Creation Act of 2010''.

Subtitle A—Small Business Tax Reform

SEC. 811. EXTENSION OF INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''($125,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (1) and inserting ''($250,000 in the case of taxable years beginning after 2007 and before 2015)'',

(2) by striking ''($500,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (2) and inserting ''($800,000 in the case of taxable years beginning after 2007 and before 2015)'',

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EXTENSION OF EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking ''2011'' and inserting ''2015''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 812. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 (relating partial exclusion for gain from certain small business stock) is amended to read as follows:

''(a) EXCLUSION.—Gross income shall not include 100 percent of any gain from the sale or exchange of qualified small business stock held for more than 4 years.''.

(2) RULE RELATING TO STOCK HELD AMONG MEMBERS OF CONTROLLED GROUP.—Subsection (c) of section 1202 of such Code is amended by adding at the end the following new paragraph:

''(4) STOCK HELD AMONG MEMBERS OF 25-PERCENT CONTROLLED GROUP NOT ELIGIBLE.—

''(A) IN GENERAL.—Stock of a member of a 25-percent controlled group shall not be treated as qualified small business stock while held by another member of such group.

''(B) 25-PERCENT CONTROLLED GROUP.—For purposes of subparagraph (A), the term '25-percent controlled group' means any controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 25 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

''(ii) section 1563(a)(4) shall not apply.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsections (b)(2), (g)(2)(A), and (j)(1)(A) of section 1202 of such Code are each amended by striking ''5 years'' and inserting ''4 years''.

(B) The heading for section 1202 of such Code is amended by striking ''partial''.

(C) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 of such Code is amended by striking ''Partial exclusion'' and inserting ''Exclusion''.

(D) Section 1223(13) of such Code is amended by striking ''1202(a)(2),''.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking '', (5), and (7)'' and inserting ''and (5)''.

(c) REPEAL OF 28 PERCENT CAPITAL GAINS RATE ON QUALIFIED SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Subparagraph (A) of section 1(h)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) collectibles gain, over''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1(h) of such Code is amended by striking paragraph (7).

(B)(i) Section 1(h) of such Code is amended by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

(ii) Sections 163(d)(4)(B), 854(b)(5), 857(c)(2)(D) of such Code are each amended by striking ''section 1(h)(11)(B)'' and inserting ''section 1(h)(10)(B)''.

(iii) The following sections of such Code are each amended by striking ''section 1(h)(11)'' and inserting ''section 1(h)(10)'':

(I) Section 301(f)(4).

(II) Section 306(a)(1)(D).

(III) Section 584(c).

(IV) Section 702(a)(5).

(V) Section 854(a).

(VI) Section 854(b)(2).

(iv) The heading of section 857(c)(2) is amended by striking ''1(h)(11)'' and inserting ''1(h)(10)''.

(d) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—Paragraph (1) of section 1202(d) of the Internal Revenue Code of 1986 (relating to qualified small business) is amended by striking ''$50,000,000'' each place it appears and inserting ''$100,000,000''.

(2) INFLATION ADJUSTMENT.—Section 1202(d) of such Code is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2009, each of the $100,000,000 dollar amounts in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $100.''.

(e) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Section 1202(c) of the Internal Revenue Code of 1986 (defining qualified small business stock) is amended by adding at the end the following new paragraph:

''(4) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding any other provision of this subsection or subsection (e), the term 'qualified small business stock' shall include stock of a corporation held by a small business investment company licensed and operating under the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) or held by a company engaged in the licensing process under such Act where the investment has been approved by the Small Business Administration.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to stock issued after December 31, 2009.

(2) SPECIAL RULE FOR STOCK ISSUED BEFORE JANUARY 1, 2010.—The amendments made by subsections (a), (b), and (c) shall apply to sales or exchanges—

(A) made after December 31, 2009,

(B) of stock issued before such date,

(C) by a taxpayer other than a corporation.

Subtitle B—Access to Capital

SEC. 821. SHORT TITLE.

This subtitle may be cited as the ''Small Business Job Creation and Access to Capital Act of 2010''.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

SEC. 822. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''75 percent'' and inserting ''90 percent''; and

(B) in clause (ii), by striking ''85 percent'' and inserting ''90 percent''; and

(2) in paragraph (3)(A), by striking ''$1,500,000 (or if the gross loan amount would exceed $2,000,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000''.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''90 percent'' and inserting ''75 percent''; and

(B) in clause (ii), by striking ''90 percent'' and inserting ''85 percent''; and

(2) in paragraph (3)(A), by striking ''$4,500,000'' and inserting ''$3,750,000''.

SEC. 823. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking ''$1,500,000'' and inserting ''$5,000,000'';

(2) in clause (ii), by striking ''$2,000,000'' and inserting ''$5,000,000'';

(3) in clause (iii), by striking ''$4,000,000'' and inserting ''$5,500,000'';

(4) in clause (iv), by striking ''$4,000,000'' and inserting ''$5,500,000''; and

(5) in clause (v), by striking ''$4,000,000'' and inserting ''$5,500,000''.

SEC. 824. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking ''$35,000'' and inserting ''$50,000'';

(2) in paragraph (3)—

(A) in subparagraph (C), by striking ''$3,500,000'' and inserting ''$5,000,000''; and

(B) in subparagraph (E), by striking ''$35,000'' each place that term appears and inserting ''$50,000''; and

(3) in paragraph (11)(B), by striking ''$35,000'' and inserting ''$50,000''.

SEC. 825. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

''(e) INVESTMENT LIMITATIONS.—

''(1) DEFINITION.—In this subsection, the term 'covered New Markets Venture Capital company' means a New Markets Venture Capital company—

''(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

''(B) that has obtained a financing from the Administrator.

''(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

''(A) the regulatory capital of the covered New Markets Venture Capital company; and

''(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.''.

SEC. 826. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) ALTERNATIVE SIZE STANDARD.—

''(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

''(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

''(i) the maximum tangible net worth of the applicant is not more than $15,000,000; and

''(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than $5,000,000.''.

SEC. 827. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

''(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than $500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of $500,000 and 1 increment of any remaining amount less than $500,000, in order to permit the maximum amount of any loan in a pool to be not more than $500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.''.

SEC. 828. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

SEC. 829. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

''(C) REFINANCING NOT INVOLVING EXPANSIONS.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'borrower' means a small business concern that submits an application to a development company for financing under this subparagraph;

''(II) the term 'eligible fixed asset' means tangible property relating to which the Administrator may provide financing under this section; and

''(III) the term 'qualified debt' means indebtedness—

''(aa) that—

''(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

''(BB) is a commercial loan;

''(CC) is not subject to a guarantee by a Federal agency;

''(DD) the proceeds of which were used to acquire an eligible fixed asset;

''(EE) was incurred for the benefit of the small business concern; and

''(FF) is collateralized by eligible fixed assets; and

''(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

''(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

''(I) the amount of the financing is not more than 80 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

''(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

''(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

''(iii) FINANCING FOR BUSINESS EXPENSES.—

''(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

''(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

''(aa) a specific description of the expenses for which the additional financing is requested; and

''(bb) an itemization of the amount of each expense.

''(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

''(iv) LOANS BASED ON JOBS.—

''(I) JOB CREATION AND RETENTION GOALS.—

''(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

''(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by $65,000.

''(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

''(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

''(bb) the product obtained by multiplying—

''(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

''(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

''(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

''(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of $4,000,000,000 of financing under this subparagraph for each fiscal year.''.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking ''subparagraph (B) or (C)'' and inserting ''clause (ii), (iii), (iv), or (v)''.

Subtitle C—Small Business Exporting

SEC. 831. SHORT TITLE.

This subtitle may be cited as the ''Small Business Export Enhancement and International Trade Act of 2010''.

SEC. 832. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Associate Administrator'' means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this Act;

(3) the term ''Export Assistance Center'' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

(4) the term ''rural small business concern'' means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986; and

(5) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term 'small business development center' means a small business development center described in section 21.

''(u) REGION OF THE ADMINISTRATION.—In this Act, the term 'region of the Administration' means the geographic area served by a regional office of the Administration established under section 4(a).''.

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15

U.S.C. 633(b)(3)(B)(x)) is amended by striking ''Administration district and region'' and inserting ''district and region of the Administration''.

SEC. 833. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''SEC. 22. (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—

''(1) OFFICE.—There''; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting ''for the primary purposes of increasing—

''(A) the number of small business concerns that export; and

''(B) the volume of exports by small business concerns.''; and

(B) by adding at the end the following:

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

''(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator has direct supervision and control over—

''(A) the staff of the Office; and

''(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 834. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

''(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment assistance;

''(D) trade remedy assistance; and

''(E) trade data collection;

''(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

''(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

''(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

''(A) accompany small business concerns on foreign trade missions; and

''(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.'';

(2) in subsection (c)—

(A) by striking ''(c) The Office'' and inserting the following:

''(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator'';

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

''(D) increasing the ability of small business concerns to access capital;

''(E) disseminating information concerning Federal, State, and private programs and initiatives; and

''(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations;'';

(D) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D) assisting'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D) assisting'';

(E) in paragraph (3), as so redesignated, by striking ''assist small businesses in the formation and utilization of'' and inserting ''assist small business concerns in forming and using'';

(F) in paragraph (4), as so redesignated—

(i) by striking ''local'' and inserting ''district'';

(ii) by striking ''existing'';

(iii) by striking ''Small Business Development Center network'' and inserting ''small business development center network''; and

(iv) by striking ''Small Business Development Center Program'' and inserting ''small business development center program'';

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking ''Gross State Produce'' and inserting ''Gross State Product'';

(ii) in subparagraph (B), by striking ''SIC'' each place it appears and inserting ''North American Industry Classification System''; and

(iii) in subparagraph (C), by striking ''small businesses'' and inserting ''small business concerns'';

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''concerns'' after ''small business''; and

(II) by striking ''current'' and inserting ''up to date'';

(ii) in subparagraph (A), by striking ''Administration's regional offices'' and inserting ''regional and district offices of the Administration'';

(iii) in subparagraph (B) by striking ''current'';

(iv) in subparagraph (C), by striking ''current''; and

(v) by striking ''small businesses'' each place that term appears and inserting ''small business concerns'';

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''person in each district office. Such specialists'' and inserting ''individual in each district office and providing each Administration regional office with a full-time export development specialist, who'';

(ii) in subparagraph (B)—

(I) by striking ''current''; and

(II) by striking ''with'' and inserting ''in'';

(iii) in subparagraph (D)—

(I) by striking ''Administration personnel involved in granting'' and inserting ''personnel of the Administration involved in making''; and

(II) by striking ''and'' at the end;

(iv) in subparagraph (E)—

(I) by striking ''small businesses' needs'' and inserting ''the needs of small business concerns''; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

''(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

''(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the

Department of Commerce, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies;''; and

(vi) by striking ''small businesses'' each place that term appears and inserting ''small business concerns''; and

(L) by adding at the end the following:

''(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

''(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

''(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

''(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.'';

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking ''(d) The Office'' and inserting the following:

''(d) EXPORT FINANCING PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator''; and

(C) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

''(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(4) in subsection (e), by striking ''(e) The Office'' and inserting the following:

''(e) TRADE REMEDIES.—The Associate Administrator'';

(5) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

''(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

''(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

''(5) a description of the participation by the Office in trade negotiations.'';

(6) in subsection (g), by striking ''(g) The Office'' and inserting the following:

''(g) STUDIES.—The Associate Administrator''; and

(7) by adding after subsection (h), as added by section 833 of this Act, the following:

''(i) EXPORT AND TRADE COUNSELING.—

''(1) DEFINITION.—In this subsection—

''(A) the term 'lead small business development center' means a small business development center that has received a grant from the Administration; and

''(B) the term 'lead women's business center' means a women's business center that has received a grant from the Administration.

''(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women's business centers in providing export assistance to small business concerns.

''(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

''(A) 5; or

''(B) 10 percent of the total number of employees of the lead small business development center.

''(4) REIMBURSEMENT FOR CERTIFICATION.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women's business center for costs relating to the certification of an employee of the lead small business center or lead women's business center in providing export assistance under the program established under paragraph (2).

''(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed $350,000 in any fiscal year.

''(j) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

''(A) the number of small business concerns that—

''(i) receive assistance from the Administration;

''(ii) had not exported goods or services before receiving the assistance described in clause (i); and

''(iii) export goods or services;

''(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

''(C) export revenues by small business concerns assisted by programs of the Administration;

''(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

''(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

''(F) the number of small business concerns referred to the Export-Import Bank of the United States or to the Overseas Private Investment Corporation by the staff of the Office, an Export Assistance Center, or a small business development center.

''(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

''(A) section 7(a)(16);

''(B) the Export Working Capital Program established under section 7(a)(14);

''(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

''(D) the export express program established under section 7(a)(34).

''(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.''.

(b) TRADE DISPUTES.—The Administrator shall carry out a comprehensive program to provide technical assistance, counseling, and reference materials to small business concerns relating to resources, procedures, and requirements for mechanisms to resolve international trade disputes or address unfair international trade practices under international trade agreements or Federal law, including—

(1) directing the district offices of the Administration to provide referrals, information, and other services to small business concerns relating to the mechanisms;

(2) entering agreements and partnerships with providers of legal services relating to the mechanisms, to ensure small business concerns may affordably use the mechanisms; and

(3) in consultation with the Director of the United States Patent and Trademark Office and the Register of Copyrights, designing counseling services and materials for small business concerns regarding intellectual property protection in other countries.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 835. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by section 834 of this Act, is amended by adding at the end the following:

''(k) EXPORT ASSISTANCE CENTERS.—

''(1) EXPORT FINANCE SPECIALISTS.—

''(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after January 1, 2010, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

''(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

''(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

''(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

''(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

''(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

''(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

''(l) DEFINITIONS.—In this section—

''(1) the term 'Associate Administrator' means the Associate Administrator for International Trade described in subsection (a)(2);

''(2) the term 'Export Assistance Center' means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

''(3) the term 'export finance specialist' means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

''(4) the term 'Office' means the Office of International Trade established under subsection (a)(1).''.

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term ''export finance specialist'' has the meaning given that term in section 22(l) of the Small Business Act, as added by this Act.

SEC. 836. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000), of which not more than $4,000,000''.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B), (D), and (E)'';

(B) in subparagraph (D), by striking ''Notwithstanding subparagraph (A), in'' and inserting ''In''; and

(C) by adding at the end the following:

''(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.''.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''in—'' and inserting ''—'';

(2) in clause (i)—

(A) by inserting ''in'' after ''(i)''; and

(B) by striking ''or'' at the end;

(3) in clause (ii)—

(A) by inserting ''in'' after ''(ii)''; and

(B) by striking the period at the end and inserting '', including any debt that qualifies for refinancing under any other provision of this subsection; or''; and

(4) by adding at the end the following:

''(iii) by providing working capital.''.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking ''Each loan'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), each loan''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.''.

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking ''not exceed'' and inserting ''be''; and

(2) in paragraph (14)—

(A) by striking ''(A) The Administration'' and inserting the following: ''EXPORT WORKING CAPITAL PROGRAM.—

''(A) IN GENERAL.—The Administrator'';

(B) by striking ''(B) When considering'' and inserting the following:

''(C) CONSIDERATIONS.—When considering'';

(C) by striking ''(C) The Administration'' and inserting the following:

''(D) MARKETING.—The Administrator''; and

(D) by inserting after subparagraph (A) the following:

''(B) TERMS.—

''(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than $5,000,000.

''(ii) FEES.—

''(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

''(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.''.

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.''.

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking ''(32) INCREASED VETERAN'' and inserting ''(33) INCREASED VETERAN''; and

(2) by adding at the end the following:

''(34) EXPORT EXPRESS PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'export development activity' includes—

''(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

''(II) participation in a trade show that takes place outside the United States;

''(III) translation of product brochures or catalogues for use in markets outside the United States;

''(IV) obtaining a general line of credit for export purposes;

''(V) performing a service contract from buyers located outside the United States;

''(VI) obtaining transaction-specific financing associated with completing export orders;

''(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

''(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

''(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in

the United States in the production of goods or services for export; and

''(ii) the term 'express loan' means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

''(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

''(C) LEVEL OF PARTICIPATION.—

''(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be $500,000.

''(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

''(I) 90 percent of a loan that is not more than $350,000; and

''(II) 75 percent of a loan that is more than $350,000 and not more than $500,000.''.

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

''(F) LIST OF EXPORT FINANCE LENDERS.—

''(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

''(I) this paragraph;

''(II) paragraph (14); or

''(III) paragraph (34).

''(ii) AVAILABILITY OF LIST.—The Administrator shall—

''(I) post the list published under clause (i) on the website of the Administration; and

''(II) make the list published under clause (i) available, upon request, at each district office of the Administration.''.

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 837. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''eligible small business concern'' means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator;

(D) has in effect a strategic plan for exporting; and

(E) agrees to provide to the Associate Administrator such information and documentation as is necessary for the Associate Administrator to determine that the small business concern is in compliance with the internal revenue laws of the United States;

(2) the term ''program'' means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term ''small business concern owned and controlled by women'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term ''socially and economically disadvantaged small business concern'' has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;

(2) a foreign market sales trip;

(3) a subscription to services provided by the Department of Commerce;

(4) the payment of website translation fees;

(5) the design of international marketing media;

(6) a trade show exhibition;

(7) participation in training workshops; or

(8) any other export initiative determined appropriate by the Associate Administrator.

(c) GRANTS.—

(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

(A) focuses on eligible small business concerns as part of an export promotion program;

(B) demonstrates success in promoting exports by—

(i) socially and economically disadvantaged small business concerns;

(ii) small business concerns owned or controlled by women; and

(iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) LIMITATIONS.—

(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 50 percent of the amounts appropriated for the program for that fiscal year.

(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(A) a description of the structure of and procedures for the program;

(B) a management plan for the program; and

(C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(g) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $15,000,000 for each of fiscal years 2010, 2011, and 2012.

(i) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 838. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade

financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 839. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking ''(2) The Small Business Development Centers'' and inserting the following:

''(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

''(A) INFORMATION AND SERVICES.—The small business development centers''; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting ''(including State trade agencies),'' after ''local agencies''; and

(B) by adding at the end the following:

''(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

''(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

''(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

''(C) DEFINITION.—In this paragraph, the term 'Export Assistance Center' has the same meaning as in section 22.''.

SEC. 840. SMALL BUSINESS TRADE POLICY.

(a) NOTIFICATION BY USTR.—Not later than 90 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the United States Trade Representative shall notify the Administrator of the date the negotiation will begin.

(b) RECOMMENDATIONS.—Not later than 30 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the Administrator shall present to the United States Trade Representative recommendations relating to the needs and concerns of small business concerns that are exporters.

Subtitle D—Small Business Regulatory Reform

SEC. 841. SHORT TITLE.

This subtitle may be cited as the ''Job Impact Analysis Act of 2010''.

SEC. 842. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals $1,100,000,000,000. Small firms bear a disproportionate burden, paying approximately 45 percent, or $7,647, more per employee than larger firms in annual regulatory compliance costs.

(6) The Federal Government should fully consider the costs, including indirect economic impacts and the potential for job creation and job loss, of proposed rules.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job creation or job loss.

(8) To the maximum extent practicable, the Director of the Congressional Budget Office should, in certain estimates the Director prepares with respect to bills or joint resolutions reported by congressional committees, estimate the potential job creation or job loss attributable to the bills or joint resolutions.

SEC. 843. JOB IMPACT STATEMENT FOR REPORTED BILLS AND JOINT RESOLUTIONS.

Section 424 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658c) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) if the Director estimates that the total amount of direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in State, local, and tribal governments as a result of the mandates.''; and

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) if the Director estimates that the total amount of direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in the private sector as a result of the mandates.''.

SEC. 844. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking ''RECORDKEEPING REQUIREMENT.—The'' and inserting ''the''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) the term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect of the rule on small entities; and

''(B) any indirect economic effect on small entities, including potential job creation or job loss, that is reasonably foreseeable and that results from the rule, without regard to whether small entities are directly regulated by the rule.''.

SEC. 845. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job creation and employment by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.''; and

(2) by adding at the end the following:

''(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

''(1) not later than the date on which the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

''(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting ''detailed'' before ''description'' each place it appears;

(B) in paragraph (1), by striking ''succinct'';

(C) in paragraph (2)—

(i) by striking ''summary'' each place it appears and inserting ''statement''; and

(ii) by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis'';

(D) in paragraph (3), by striking ''an explanation'' and inserting ''a detailed explanation'';

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(F) by inserting after paragraph (2) the following:

''(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the

proposed rule in the final rule as a result of the comments;''.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

''(b) The agency shall—

''(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

''(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement.''.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by striking ''statement providing the factual'' and inserting ''detailed statement providing the factual and legal''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job creation or job loss, and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 846. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of the Job Impact Analysis Act of 2010, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities). Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the Web site of the agency.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Job Impact Analysis Act of 2010 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for review of rules adopted after the date of enactment of the Job Impact Analysis Act of 2010 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

''(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

''(d) In reviewing rules under such plan, the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints received by the agency from small entities concerning the rule;

''(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;

''(4) the complexity of the rule;

''(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

''(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (c);

''(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

''(8) the current impact of the rule, including—

''(A) the estimated number of small entities to which the rule will apply;

''(B) the estimated number of small business jobs that will be lost or created by the rule; and

''(C) the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including—

''(i) an estimate of the classes of small entities that will be subject to the requirement; and

''(ii) the type of professional skills necessary for preparation of the report or record.

''(e) The agency shall publish in the Federal Register and on the Web site of the agency a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 847. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.''.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

''SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

''(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

''(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.''.

SEC. 848. CLERICAL AMENDMENTS.

(a) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

''605. Incorporations by reference and certifications.''; and

(2) by striking the item relating to section 607 and inserting the following:

''607. Quantification requirements.''.

Subtitle E—Other Provisions

SEC. 851. FUNDS FOR SBDCS.

(a) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration – Salaries and Expenses'', $50,000,000, to remain available until January 1, 2012, for grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated under subsection (a) shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than $325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made using amounts appropriated under subsection (a) shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall disburse the total amount appropriated under subsection (a).

SEC. 852. TEMPORARY WAIVER AUTHORITY FOR WOMEN'S BUSINESS CENTER PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''recipient organization'' means an organization receiving financial assistance from the Administrator under the women's business center program; and

(3) the term ''women's business center program'' means the women's business center program under section 29 of the Small Business Act (15 U.S.C. 656).

(b) AUTHORITY.—Upon request by a recipient organization, and in accordance with this section, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under section 29(c) of the Small Business Act (15 U.S.C. 656(c)) for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under the women's business center program.

(c) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this section, the Administrator shall consider—

(1) the economic conditions affecting the recipient organization;

(2) the impact a waiver under this section would have on the credibility of the women's business center program;

(3) the demonstrated ability of the recipient organization to raise non-Federal funds; and

(4) the performance of the recipient organization.

(d) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this section if granting the waiver would undermine the credibility of the women's business center program.

(e) TERMINATION.—The Administrator may not grant a waiver of the requirement to obtain non-Federal funds under this section on or after January 1, 2012.

SEC. 853. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EFFECTIVE DATE.

The amendment made by section 246(b)(2) of this Act shall take effect on February 27, 2010.

Subtitle F—Funding

SEC. 861. OFFSET.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), an amount equal to the total amount appropriated or made available under this title is rescinded on a pro rata basis from unobligated amounts appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116).

SEC. 862. EMERGENCY DESIGNATION.

This title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)). This title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3419. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who made a rollover of an airline payment amount to a Roth IRA pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA all or any part of the Roth IRA attributable to such rollover, and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term ''traditional IRA'' means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term ''Roth IRA'' has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

SA 3420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 4 through 12, and insert the following:

''(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the 6-month period that begins on January 1, 2011, and ends on June 30, 2011, unless the chief executive officer of the State certifies to the Secretary not later than 45 days after the date of enactment of this paragraph, that—

''(A) the State will request and use such additional Federal funds; and

''(B) during the period that begins on such date of enactment and ends on June 30, 2011, the State will not eliminate any State employment position in which an individual is

employed on such date of enactment (other than a position held by an individual whose State employment is terminated for cause).'';

SA 3421. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 4 through 12, and insert the following:

''(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the 6-month period that begins on January 1, 2011, and ends on June 30, 2011, unless the chief executive officer of the State certifies to the Secretary—

''(A) not later than 45 days after the date of enactment of this paragraph, that the State will request and use such additional Federal funds; and

''(B) on December 31, 2010, that the State has not passed any law on or after the date of enactment of this paragraph that will cause income, property, or sales tax rates in the State to increase during such 6-month period.'';

SA 3422. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. PERMANENT EXTENSION OF ELECTIVE TAX TREATMENT FOR ALASKA NATIVE SETTLEMENT TRUSTS.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions) shall not apply to the provisions of, and amendments made by, section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective upon the date of enactment of this Act.

SA 3423. Mr. BROWNBACK (for himself, Mr. ROBERTS, Ms. CANTWELL, Mr. ENSIGN, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Rvenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION ____—FOOTWEAR

SEC. __01. SHORT TITLE.

This division may be cited as the ''Affordable Footwear Act of 2010''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) Average collected duties on imported footwear are among the highest of any product sector, totaling approximately $1,700,000,000 during 2008.

(2) Duty rates on imported footwear are among the highest imposed by the United States Government, with some as high as the equivalent of 67.5 percent ad valorem.

(3) The duties currently imposed by the United States were set in an era during which high rates of duty were intended to protect production of footwear in the United States.

(4) Footwear produced in the United States supplies only about 1 percent of the total United States market for footwear. This production is concentrated in distinct product groupings, which are not affected by the provisions of this Act.

(5) Low- and moderate-income families spend a larger share of their disposable income on footwear than higher-income families.

(6) Footwear duties, which are higher on lower-price footwear, serve no purpose and are a hidden, regressive tax on those people in the United States least able to pay.

SEC. __03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the reduction or elimination of duties on the importation of certain footwear articles would provide significant benefits to United States consumers, particularly lower-income families;

(2) there is no production in the United States of many footwear articles;

(3) the reduction or elimination of duties on such articles will not negatively affect manufacturing or employment in the United States; and

(4) the reduction or elimination of duties on such articles will result in reduced retail prices for consumers.

SEC. __04. TEMPORARY ELIMINATION OR REDUCTION OF DUTIES ON CERTAIN FOOTWEAR.

(a) DEFINITIONS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

''20. For the purposes of headings 9902.64.25 through 9902.64.57 and any superior text thereto:

''(a) The term 'footwear for men' means footwear of American sizes 6 and larger for males and does not include footwear commonly worn by both sexes.

''(b) The term 'footwear for women' means footwear of American sizes 4 and larger, whether for females or of types commonly worn by both sexes.

''(c)(i) The term 'work footwear' means, in addition to footwear for men or footwear for women having a metal toe-cap, footwear for men or footwear for women that—

''(A) has outer soles of rubber or plastics;

''(B) is of a kind designed for use by persons employed in occupations such as those related to the agricultural, construction, industrial, public safety or transportation sectors; and

''(C) has special features to protect against hazards in the workplace (such as resistance to chemicals, compression, grease, oil, penetration, slippage or static build-up).

''(ii) The term 'work footwear' does not include the following:

''(A) sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like;

''(B) footwear designed to be worn over other footwear;

''(C) footwear with open toes or open heels; or

''(D) footwear (except footwear covered by heading 6401) of the slip-on type that is held to the foot without the use of laces or a combination of laces and hooks or other features.

''(d) The term 'house slippers' means footwear of the slip-on type designed solely for casual indoor use. The term 'house slippers' includes—

''(i) footwear with outer soles not over 3.5 mm in thickness, consisting of cellular rubber, non-grain leather or textile material;

''(ii) footwear with outer soles not over 2 mm in thickness consisting of polyvinyl chloride, whether or not backed; and

''(iii) footwear which, when measured at the ball of the foot, has sole components (including any inner and mid-soles) with a combined thickness not over 8 mm as measured from the outer surface of the uppermost sole component to the bottom surface of the outer sole and which, when measured in the same manner at the area of the heel, has a thickness equal to or less than that at the ball of the foot.

''(e) Textile materials attached, incorporated into, or which otherwise form part of, an outer sole of rubber or plastics shall be disregarded and the constituent material of outer sole shall be deemed to be rubber or plastics.''.

(b) AMENDMENTS TO HTS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

''	9902.64.25	Vulcanized rubber lug boot bottoms for use in fishing waders (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2012 .....
	9902.64.26	Vulcanized rubber footwear with molded soles, lasted uppers (not molded or injected) of more than 70 percent by weight natural rubber, valued over $35/pair, measuring in height from the bottom of the outer sole to the top of the upper over 19 cm, the foregoing designed to be used in lieu of, but not over, other footwear as a protection against water or cold or inclement weather (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2012 .....

9902.64.27	Sports footwear with outer soles and uppers of rubber or plastics (other than golf shoes), having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements) is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper); the foregoing not including footwear for women (provided for in subheading 6402.19.15)	Free	No change	No change	On or before 12/31/2012
9902.64.28	Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6402.91.05)	Free	No change	No change	On or before 12/31/2012
9902.64.29	Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, valued not over $3/pair (provided for in subheading 6402.91.16)	Free	No change	No change	On or before 12/31/2012
9902.64.30	Footwear (other than work footwear) with outer soles and uppers of rubber or plastics, covering the ankle, not incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6401.91.40)	Free	No change	No change	On or before 12/31/2012
9902.64.31	Footwear with outer soles and uppers of rubber or plastics, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over $20/pair, and if designed for men or women the height of which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm; the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper, where protection against water is imparted by the use of a coated laminated fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2012
9902.64.32	Footwear with outer soles and uppers of rubber or plastics, covering the ankle, valued over $12/pair (provided for in subheading 6402.91.90)	Free	No change	No change	On or before 12/31/2012
	Footwear with outer soles and uppers of rubber or plastics, other than covering the ankle and other than sports footwear:				
9902.64.33	Of a type described in subheading 6402.99.04	Free	No change	No change	On or before 12/31/2012
9902.64.34	Of a type described in subheading 6402.99.12	Free	No change	No change	On or before 12/31/2012
9902.64.35	Of a type described in subheading 6402.99.31	Free	No change	No change	On or before 12/31/2012
9902.64.36	Footwear designed to be used in lieu of, but not over, other footwear, valued over $20/pair (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.33)	Free	No change	No change	On or before 12/31/2012
	Footwear with outer soles and uppers of rubber or plastics, not specially described or indicated in any other heading of this subchapter:				
9902.64.37	Of a type described in subheading 6402.99.40	Free	No change	No change	On or before 12/31/2012
9902.64.38	Of a type described in subheading 6402.99.60	Free	No change	No change	On or before 12/31/2012
9902.64.39	Of a type described in subheading 6402.99.70	Free	No change	No change	On or before 12/31/2012
9902.64.40	Welt footwear with pigskin uppers (provided for in subheading 6403.40.30)	Free	No change	No change	On or before 12/31/2012

9902.64.41	Footwear with outer soles and uppers of leather, covering the ankle, other than footwear for women (provided for in subheading 6403.51.90)	Free	No change	No change	On or before 12/31/2012 .....
9902.64.42	Turn or turned footwear, other than footwear for men or footwear for women (provided for in subheading 6403.59.15)	Free	No change	No change	On or before 12/31/2012 .....
9902.64.43	Footwear for men, and footwear for youths and boys, covering the ankle, other than work footwear and other than slip-on footwear (except such footwear with sole components, including any mid-soles but excluding any inner soles, which when measured at the ball of the foot have a combined thick-ness less than 13.5 mm), the foregoing valued over $20/pair (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2012 .....
9902.64.44	Footwear (other than footwear for men or footwear for youths and boys) covering the ankle, other than work footwear and other than slip-on footwear, but including such footwear with a heel over 15 mm in height as measured from the bottom of the sole or sole components (including any mid-soles but excluding any inner soles) which when measured at the ball of the foot have a combined thickness less than 13.5 mm, the foregoing valued not over $20/pair (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2012 .....
9902.64.45	Footwear for youths and boys, other than house slippers and work footwear (provided for in subheading 6403.99.60)	Free	No change	No change	On or before 12/31/2012 .....
9902.64.46	House slippers for persons other than men, youths and boys, the foregoing valued not over $2.50/pair (provided for in subheading 6403.99.75)	Free	No change	No change	On or before 12/31/2012 .....
9902.64.47	Footwear valued over $2.50/pair (other than footwear for men, youths and boys, and footwear for women), the foregoing not to include house slippers and work footwear (provided for in subheading 6403.99.90)	Free	No change	No change	On or before 12/31/2012 .....
	Sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, with outer soles of rubber or plastics and uppers of textile materials:				
9902.64.48	Of a type described in subheading 6404.11.20, 6404.11.40, 6404.11.50, 6404.11.60 or 6404.11.70	Free	No change	No change	On or before 12/31/2012 .....
9902.64.49	Of a type described in subheadings 6404.11.80 and 6404.11.90, covering the ankle	Free	No change	No change	On or before 12/31/2012 .....
9902.64.50	Of a type described in subheadings 6404.11.80 and 6404.11.90, other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for men or women	Free	No change	No change	On or before 12/31/2012 .....
9902.64.51	Footwear with outer soles of rubber or plastics and uppers of textile materials, having uppers of which over 50 percent of the external surface area is leather (provided for in subheading 6404.19.15)	Free	No change	No change	On or before 12/31/2012 .....
9902.64.52	Footwear with outer soles of rubber or plastics and uppers of textile materials, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over $20/pair, the foregoing if designed for men or women having a height which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm (provided for in subheading 6404.19.20); all the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms (including bottoms comprising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fabric	Free	No change	No change	On or before 12/31/2012 .....

9902.64.53	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.25, 6404.19.30, 6404.19.35, 6404.19.40, 6404.19.50, 6404.19.60, 6404.19.70, 6404.19.80, 6404.19.90, 6404.20.20, 6404.20.40 or 6404.20.60)	Free	No change	No change	On or before 12/31/2012	
	Footwear with uppers of leather or composition leather:					
9902.64.54	For men (provided for in subheading 6405.10.00)	8.5%	No change	No change	On or before 12/31/2012	
9902.64.55	Other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for women (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2012	
9902.64.56	Footwear with uppers of textile materials, other than with soles and uppers of wool felt (provided for in subheading 6405.20.30 or 6405.20.90)	Free	No change	No change	On or before 12/31/2012	
9902.64.57	Footwear of a type described in subheading 6405.90.90	Free	No change	No change	On or before 12/31/2012	''.

SEC. __05. HAITI RELIEF ENHANCEMENT.

Section 213A of the Caribbean Basic Economic Recovery Act (19 U.S.C. 2703a) is amended—

(1) by redesignating subsections (g) through (h) as (i) through (j), respectively; and

(2) by inserting the following after subsection (f):

''(g) SPECIAL RULE FOR FOOTWEAR.—

''(1) IN GENERAL.—Footwear that is the product or manufacture of Haiti and is imported directly from Haiti into the customs territory of the United States shall be accorded tariff treatment identical to the tariff treatment that is accorded under the Dominican Republic-Central American-United States Free Trade Agreement , as implemented by the United States, to footwear described in the same 8-digit subheading of the Harmonized Tariff Schedule of the United States.

''(2) REQUIREMENT.—Footwear qualifies for the treatment provided for under paragraph (1) if it satisfies the applicable rule of origin set out in Article 4.1 of the Dominican Republic-Central American-United States Free Trade Agreement.''.

SA 3424. Mrs. HAGAN (for herself, Mr. BURR, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. CERTAIN CEILING FANS.

(a) IN GENERAL.—Heading 9902.84.14 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/2009'' and inserting ''12/31/2012''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2010.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. 602. CONTINUATION OF SOLE COMMUNITY HOSPITAL TREATMENT FOR CERTAIN HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(D)) is amended by adding at the end the following new clause:

''(vi) In the case of a hospital that is classified as a sole community hospital and is located within a State that has implemented a rate-setting program for regulation of hospital payments (in this clause referred to as the 'existing hospital'), any relocation on or after January 1, 2010, of the facility of another hospital that is in operation as of such date to a site that is within 25 road miles of the existing hospital shall not be taken into account for purposes of determining whether the existing hospital shall continue to qualify for classification as a sole community hospital.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to hospitals for cost reporting periods beginning on or after January 1, 2010.

SA 3426. Mr. REID (for Mr. LEVIN) proposed an amendment to the resolution S. Res. 372, designating March 2010 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research; as follows:

In paragraph (3) of the resolving clause, strike ''Federal''.

SA 3427. Mr. MCCAIN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTING MEDICARE.

Section 310(g) of the Congressional Budget Act of 1974 (2 U.S.C. 641(g)) is amended by inserting before the period the following: ''or to the medicare program established by title XVIII of such Act''.

SA 3428. Mr. ROCKEFELLER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, insert the following:

SEC. —. NEW MARKETS TAX CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (v) through (viii) as clauses (vi) through (ix), respectively, and

(2) by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D to the extent that such credit is attributable to a qualified equity investment which is designated as such under subsection (b)(1)(C) of such section after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined under section 45D of the Internal Revenue Code of 1986 in taxable years ending after the date of the enactment of this Act, and to carrybacks of such credits.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 4, 2010, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 4, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on March 4, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 4, 2010, to conduct a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled ''Childhood Obesity: Beginning the Dialogue on Reversing the Epidemic'' on March 4, 2010. The hearing will commence at 10 a.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m., to hold a hearing entitled ''Middle East Peace: Ground Truths, Challenges Ahead.''

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

COMMITTEE ON THE JUDICIARY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 4, 2010.

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

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. INOUYE. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 4, 2010, at 1 p.m., to conduct a hearing entitled, ''The Next Big Disaster: Is the Private Sector Prepared?''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 4, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

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

NATIONAL AUTOIMMUNE DISEASES AWARENESS MONTH

Mr. REID. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 372, and we now proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 372) designating March 2010 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that a Levin amendment which is at the desk and the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table; that there be no intervening action or debate and any statements relating to this matter be printed in the RECORD.

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

The amendment (No. 3426) was agreed to, as follows:

AMENDMENT NO. 3426

(Purpose: To amend the resolving clause)

In paragraph (3) of the resolving clause, strike ''Federal''.

The resolution (S. Res. 372), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 372

Whereas autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues;

Whereas autoimmune diseases can affect any part of the body, including the blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems, and can be life-threatening;

Whereas researchers have identified over 80 different autoimmune diseases, and suspect at least 40 additional diseases of qualifying as autoimmune diseases;

Whereas researchers have identified a close genetic relationship and a common pathway of disease that exists among autoimmune diseases, explaining the clustering of autoimmune diseases in individuals and families;

Whereas the family of autoimmune diseases is under-recognized, and poses a major health care challenge to the United States;

Whereas the National Institutes of Health (NIH) estimates that autoimmune diseases afflict up to 23,500,000 people in the United States, 75 percent of whom are women, and that the prevalence of autoimmune diseases is rising;

Whereas NIH estimates the annual direct health care costs associated with autoimmune diseases at more than $100,000,000,000, with over 250,000 new diagnoses each year;

Whereas autoimmune diseases are among the top 10 leading causes of death in female children and adult women;

Whereas autoimmune diseases most often affect children and young adults, leading to a lifetime of disability;

Whereas diagnostic tests for most autoimmune diseases are not standardized, making autoimmune diseases very difficult to diagnose;

Whereas because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering;

Whereas the Institute of Medicine of the National Academies reported that the United States is behind other countries in research into immune system self-recognition, the cause of autoimmune diseases;

Whereas a study by the American Autoimmune Related Diseases Association revealed that it takes the average patient with an autoimmune disease more than 4 years, and costs more than $50,000, to get a correct diagnosis;

Whereas there is a significant need for more collaboration and cross-fertilization of basic autoimmune research;

Whereas there is a significant need for research focusing on the etiology of all autoimmune-related diseases, in order to increase understanding of the root causes of these diseases rather treating the symptoms after the disease has already had its destructive effect;

Whereas the National Coalition of Autoimmune Patient Groups is a coalition of national organizations focused on autoimmune diseases, working to consolidate the voices of patients with autoimmune diseases and to promote increased education, awareness, and research into all aspects of autoimmune diseases through a collaborative approach; and

Whereas designating March 2010 as ''National Autoimmune Diseases Awareness Month'' would help educate the public about autoimmune diseases and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2010 as ''National Autoimmune Diseases Awareness Month'';

(2) supports the efforts of health care providers and autoimmune patient advocacy and education organizations to increase awareness of the causes of, and treatments for, autoimmune diseases; and

(3) supports the goal of increasing funding for aggressive research to learn the root

causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

EXPRESSION TO THE PEOPLE AND GOVERNMENT OF CHILE

Mr. REID. I now ask unanimous consent the Senate Foreign Relations Committee be discharged from further consideration of S. Res. 431 and we now proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 431) expressing profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 431

Whereas the massive 8.8-magnitude earthquake that struck Chile in the early hours of Saturday, February 27, 2010, has claimed approximately 800 lives, according to government officials of Chile, and the death toll is expected to continue to rise as assessments of the devastation continue;

Whereas the earthquake hit most strongly in 6 central and south regions, from the capital, Santiago, and the nearby port of Valparaíso in central Chile, to the Bernardo O'Higgins, Maule, Bio Bio, and Araucanía regions of the south;

Whereas the regions most strongly hit are home to about 60 percent of the 17,000,000 inhabitants of Chile and account for approximately 70 percent of the gross domestic product of Chile;

Whereas the earthquake generated some tsunami activity, in addition to the earthquake, and several hundred people were killed in the coastal towns of Constitución and Talcahuano as a result;

Whereas many of the villages in the Juan Fernández archipelago were destroyed by tsunami activity;

Whereas the earthquake left an estimated 2,000,000 people homeless and damaged more than 1,000,000 homes, ⅓ of which may have to be demolished;

Whereas the earthquake, classified as a ''megathrust'' earthquake, unleashed an estimated 50 gigatons of energy and broke about 340 miles of the fault zone, according to the United States Geological Survey's National Earthquake Information Center;

Whereas aftershocks have continued, seriously complicating efforts to survey the damage and rescue survivors despite the noble efforts of local teams;

Whereas the Department of Defense has estimated that reconstruction costs could exceed $30,000,000,000, equivalent to 20 percent of the 2009 gross domestic product of Chile;

Whereas damage to ports and other infrastructure will hinder important exports and economic recovery;

Whereas Secretary of State Hillary Clinton visited Chile on March 2, 2010, and promised an extensive aid package, and the United States Ambassador to Chile requested emergency relief funding;

Whereas Chile enjoys excellent relations with the United States since its transition back to democracy, and both countries have emphasized similar priorities in the region, designed to strengthen democracy, improve human rights, and advance free trade;

Whereas Chile and the United States also maintain strong commercial ties, which have become more extensive since a bilateral free trade agreement between the two countries entered into force in 2004;

Whereas since 2004, the Government of Chile has worked with the Government of the United States and the international community as part of the multinational peacekeeping force in Haiti, first as a part of the Multinational Interim Force-Haiti (MIFH) and subsequently as a part of the United Nations Stabilization Mission in Haiti (MINUSTAH), committing more human material resources to MINUSTAH than it has to any previous peacekeeping mission; and

Whereas the Government of Chile and the Government of the United States and other regional partners have worked together in recent years to resolve a number of political issues in the Western Hemisphere, including crises in Venezuela, Bolivia, and Honduras, among others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake;

(2) applauds the friendship between the Governments and people of the United States and Chile and recommits to mutually beneficial cooperation in bilateral, multilateral, and Hemispheric contexts;

(3) strongly encourages the United States Government, with full consideration of the necessary institutional instruments, to offer all appropriate assistance, if requested by the Government of Chile, to aid in the immediate rescue and ongoing recovery efforts undertaken by the Government of Chile; and

(4) encourages the international community to join in relief efforts as determined by the Government of Chile.

RECOGNIZING THE HISTORY AND CONTINUED ACCOMPLISHMENTS OF WOMEN IN THE ARMED FORCES OF THE UNITED STATES

CONGRATULATING THE PEOPLE OF THE REPUBLIC OF LITHUANIA

HONORING THE LIFE AND SERVICE OF ENRIQUE ''KIKI'' CAMARENA

AUTHORIZING TESTIMONY AND SENATE LEGAL COUNSEL REPRESENTATION

AUTHORIZING RECORDS PRODUCTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the following matters, en bloc, introduced today: S. Res 441, S. Res. 442, S. Res. 443, S. Res. 444, and S. Res. 445.

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

Mr. REID. I ask unanimous consent the resolutions be considered and agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, there be no intervening action or debate, and any statements be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 441

Whereas women of diverse ethnic, religious, socioeconomic, and racial backgrounds have made extraordinary contributions to each service of the Armed Forces;

Whereas today women volunteer to serve the Nation and distinguish themselves in the active and reserve components of the Army, Marine Corps, Navy, Air Force and Coast Guard;

Whereas the contributions of generations of women have contributed to the collective success of women in military service and the freedom and security of the United States;

Whereas women have served with honor, courage, and a pioneering spirit in every major military campaign in the history of the United States since the Revolutionary War;

Whereas Dr. Mary E. Walker was the first, and remains the only, woman awarded the Medal of Honor for her contributions to military medicine and selfless actions during the Civil War;

Whereas the role of women expanded during World War I, with women serving as medical professionals and telephone operators and in other support roles that were critical to the war effort;

Whereas, during World War II, women served in every military service and in every theater and received awards for their gallantry, including four Silver Stars;

Whereas the Women's Armed Services Integration Act of 1948 (62 Stat. 356, chapter 449) established permanent positions and granted veterans benefits for women in the Armed Forces and allowed women to serve during the Korean War as regular members of the military;

Whereas, during the Vietnam War, roughly 7,500 women served in the Armed Forces in Southeast Asia as Nurse Corps officers and in other vital capacities where they saved lives and supported their fellow service members;

Whereas, in 1976, the service academies first admitted women, and in 1980, the first women graduated from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy;

Whereas women were assigned to the first gender-integrated units during the 1980s, with women serving alongside men in Operation Urgent Fury in Grenada and Operation Just Cause in Panama;

Whereas an unprecedented 40,000 women deployed as uniformed members of the Armed Forces in support of Operations Desert Storm and Desert Shield;

Whereas, in 1991, Congress repealed laws prohibiting women from flying combat missions and in 1993 repealed the restriction on women serving on combat vessels;

Whereas, on June 16, 2005, Sergeant Leigh Ann Hester, an Army National Guard Military Police Soldier, became the first woman to receive the Silver Star since World War II for exceptional valor during an ambush on her convoy in Iraq;

Whereas, on November 14, 2008, General Ann Dunwoody became the first woman in

the military to achieve the rank of four-star general;

Whereas, according to the Department of Defense, there are currently 203,375 women on active duty in the Armed Forces, many of whom have been deployed in harm's way;

Whereas, as of January 2, 2010, 104 military women have lost their lives in Operation Iraqi Freedom and 20 military women have lost their lives in Operation Enduring Freedom;

Whereas, as of February 6, 2010, 616 military women have been wounded in action in Iraq, and 50 military women have been wounded in action in Afghanistan;

Whereas, according to the Department of Veterans Affairs, as of February 1, 2010, there were 1,824,000 women veterans of the Armed Forces;

Whereas women help make the military of the United States the finest in the world by serving frequent and lengthy deployments under the most difficult conditions;

Whereas women in the Armed Forces frequently balance the rigors of a military career with the responsibilities of maintaining a healthy family;

Whereas women serving in combat theaters have been exposed to the same hazards and harsh conditions as male service members, and have sustained grave injuries and have given their lives in service to our Nation;

Whereas all service members, both men and women, deserve fair compensation for service related injuries, proper health care and rehabilitation, and the respect of a grateful Nation for their selfless service, sacrifice, and loyalty; and

Whereas women have made our Nation safer and more secure, while representing the values that we hold dear: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the contributions of women to our national defense and their importance in the rich history of the United States;

(2) celebrates the role that women have played in securing our Nation and defending our freedom;

(3) recognizes the unique challenges that women have overcome to expand the role of women in military service;

(4) agrees that programs available for women service members and veterans should be strengthened and enhanced, including for those who are dealing with invisible wounds of war; and

(5) strongly encourages the people of the United States to honor women veterans who have served our Nation and to elevate their stature in our national conscience.

S. RES. 442

Whereas the name ''Lithuania'' first appeared in European records in the year 1009, when it was mentioned in the German manuscript ''Annals of Quedlinburg'';

Whereas the February 16, 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic State;

Whereas, under the German-Soviet Treaty of Friendship, Cooperation and Demarcation, on June 15, 1940, Lithuania was forcibly incorporated into the Soviet Union in violation of preexisting peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic States, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas Lithuania assumed Presidency of the Community of Democracies in September 2009, and will hold this position until 2011;

Whereas, in 2010, the United States Government and the Government of Lithuania celebrated 88 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the people of the Republic of Lithuania on the occasion of the Act of the Re-Establishment of the State of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious, and economic freedom, and for its commitment to human rights;

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania; and

(4) calls on the President to continue to build on the close and mutually beneficial relations the United States has enjoyed with Lithuania since the restoration of the full independence of Lithuania.

S. RES. 443

Whereas, 25 years ago, in March 1985, Drug Enforcement Administration (DEA) Special Agent Enrique ''Kiki'' Camarena made the ultimate sacrifice fighting drugs;

Whereas Special Agent Camarena, an 11-year veteran special agent of the DEA, was kidnapped, tortured, and murdered in the line of duty while engaged in the battle against illicit drugs;

Whereas Special Agent Camarena joined the DEA in June 1974, as an agent with the Calexico, California District Office;

Whereas Special Agent Camarena was assigned to the Fresno District Office in September 1977, and transferred to the Guadalajara Resident Office in July 1981;

Whereas on February 7, 1985, when leaving the Guadalajara Resident Office to join his wife, Geneva, for lunch, Special Agent Camarena was surrounded by 5 armed men and forced into a car, which sped away;

Whereas February 7, 1985, was the last time anyone, other than his kidnappers, would see Special Agent Camarena alive;

Whereas the body of Special Agent Camarena was discovered on March 5, 1985, on a ranch approximately 60 miles southeast of Guadalajara, Mexico;

Whereas to date, 22 individuals have been indicted in Los Angeles, California for their roles in the Camarena murder, including high ranking government officials, cartel drug lords, lieutenants, and soldiers;

Whereas of the 22 individuals indicted in Los Angeles, 8 have been convicted and are imprisoned in the United States, 6 have been incarcerated in Mexico and are considered fugitives with outstanding warrants issued in the United States, 4 are believed deceased, 1 was acquitted at trial, and 3 remain fugitives believed to be residing in Mexico;

Whereas an additional 25 individuals were arrested, convicted, and imprisoned in Mexico for their involvement in the Camarena murder;

Whereas the men and women of the DEA will continue to seek justice for the murder of Special Agent Camarena;

Whereas during his 11 year career with the DEA, Special Agent Camarena received 2 Sustained Superior Performance Awards, a Special Achievement Award, and, posthumously, the Administrator's Award of Honor, the highest award granted by the DEA;

Whereas prior to joining the DEA, Special Agent Camarena served 2 years in the Marine Corps, as well as serving as a fireman in Calexico, a police investigator, and a narcotics investigator for the Imperial County Sheriff Coroner;

Whereas Red Ribbon Week, which has been nationally recognized since 1988, is the oldest and largest drug prevention program in the Nation, reaches millions of young people each year, and is celebrated annually October 23 through October 31, was established to help preserve the memory of Special Agent Camarena and to further the cause for which he gave his life, the fight against the violence of drug crime and the misery of addiction; and

Whereas Special Agent Camarena will be remembered as an honorable and cherished public servant and his sacrifice should be a reminder every October during Red Ribbon Week of the dangers associated with drug use and drug trafficking: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation for the profound dedication and public service of Enrique ''Kiki'' Camarena;

(2) tenders its deep sympathy and appreciation to his wife, Geneva, to his 3 children, Enrique, Daniel, and Erik, and to his family, friends, and former colleagues of the Drug Enforcement Administration;

(3) encourages communities and organizations throughout the United States to commemorate the sacrifice of Special Agent Camerana through the promotion of drug-free communities and participation in drug prevention activities which show support for healthy, productive, and drug-free lifestyles; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Enrique ''Kiki'' Camarena.

S. RES. 444

Whereas, in the case of City of Vancouver v. Galloway, Cr. No. 171555V, pending in Clark County District Court in Vancouver, Washington, the prosecution has requested testimony from Allison Creagan-Frank and Bethany Works, former employees of the office of Senator Patty Murray;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, are authorized to testify in the case of City of Vancouver v. Galloway, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, in connection with the testimony authorized in section one of this resolution.

S. RES. 445

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards.

S. RES. 444

Mr. REID. Mr. President, this resolution concerns a request for testimony in a criminal case pending in Clark County District Court in Vancouver, WA. In this case, the defendant, a Vietnam War veteran, is charged with harassing two caseworkers in the Vancouver office of Senator PATTY MURRAY. The charges arise out of threats made by the defendant to the two caseworkers.

The prosecution has requested testimony at trial from the two caseworkers at issue, both of whom are no longer employed by the Senator. Senator MURRAY would like to cooperate with the prosecution's request. This resolution would authorize the former employees at issue, and any current employees of Senator MURRAY's office from whom testimony may be required, to provide relevant testimony, except concerning matters for which a privilege should be asserted, with representation by the Senate Legal Counsel.

S. RES. 445

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received a request from a federal law enforcement agency seeking access to records that the Subcommittee obtained during its recent investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards.

This resolution would authorize the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to this request and to other government entities and officials with a legitimate need for the records.

ORDERS FOR FRIDAY, MARCH 5, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., March 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4213.

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

PROGRAM

Mr. REID. Mr. President, tomorrow we are going to resume consideration of the tax extenders legislation. There will be no rollcall votes tomorrow. The next vote will occur Tuesday morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Friday, March 5, 2010, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, March 4, 2010:

DEPARTMENT OF DEFENSE

TERRY A. YONKERS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

FRANK KENDALL III, OF VIRGINIA, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

ERIN C. CONATON, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE AIR FORCE.

PAUL LUIS OOSTBURG SANZ, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY.

MALCOLM ROSS O'NEILL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

JACKALYNE PFANNENSTIEL, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

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.

THE JUDICIARY

WILLIAM M. CONLEY, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN.