

purely a cost basis to what is best for the warfighter.

It makes no sense for a procurement process that has been continually hampered by scandal, delays, and jail time for certain officials to begin the latest version of this competition with such an absurdly uneven playing field.

As we go forward, it is my sincere hope that the safety of our warfighters and the security of our Nation will become the priority, as it has been in the past, this time and decisions will not be based on political pressures that unfairly tilt competition.

Unless the Department of Defense and the Air Force live up to their commitment of impartiality and transparency, I am fearful that our warfighters will have to settle for second best. Apparently, that is just fine with some, as long as Boeing wins.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland is recognized.

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

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

(The remarks of Mr. CARDIN pertaining to the introduction of S. 1765 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SHELBY. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. 2625

Mr. SHELBY. Mr. President, I now call up amendment No. 2625.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator the from Alabama [Mr. SHELBY], for himself and Mrs. FEINSTEIN, proposes an amendment numbered 2625.

The amendment is as follows:

(Purpose: To provide danger pay to Federal agents stationed in dangerous foreign field offices)

On page 170 at the end of line 19 insert the following:

SEC. XXX. Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246, as amended by section 11005 of Public Law 107-273; 5 U.S.C. 5928 note) is amended:

(a) by striking "or" after "Drug Enforcement Administration" and inserting "the"; and (b) inserting after "Federal Bureau of Investigation": "the Bureau of Alcohol, Tobacco, Firearms and Explosives or the United States Marshals Service".

Mr. SHELBY. Mr. President, I, along with Senator FEINSTEIN, have offered this amendment that would make the

U.S. Marshals and the ATF agents, who put their lives on the line in dangerous foreign countries to protect our Nation and our citizens, eligible for danger pay.

The U.S. Marshals and ATF agents are actively assisting Mexican law enforcement and the Mexican military in one of the bloodiest wars in the world today—the Mexican drug war. There have been nearly 10,000 drug war murders and deaths in Mexico since January of 2007. President Calderon has deployed 45,000 troops and 5,000 Federal police to 18 Mexican States to help combat these cartels.

Every week, we read about the gruesome murders of Mexican law enforcement officers, many of whom have our own Federal agents serving at their side. Currently, FBI and DEA agents receive danger pay in Mexico, while U.S. Marshals and ATF agents do not. I believe it is outrageous that these agents—our agents—serving their country and risking their lives on a daily basis, do not receive this compensation like their Department of Justice counterparts.

This amendment I offer on behalf of myself and Senator FEINSTEIN simply brings danger pay parity to the Department of Justice Federal law enforcement officers working in dangerous foreign countries. This amendment, I believe, has a lot of merit, and although Senator MIKULSKI is not here right now, I believe she would join with me in support of this amendment.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. KOHL. Mr. President, I ask unanimous consent that at 3:30 p.m., the Senate proceed to the consideration of the conference report to accompany H.R. 2997, the Department of Agriculture, Rural Development, Food and Drug Administration Appropriations Act; that debate time on the conference report be limited to 30 minutes, equally divided and controlled between Senators KOHL and BROWNBACK or their designees; that if points of order are raised, any vote on the motions to waive occur beginning upon the use or yielding back of time; and that following the disposition of the points of order, and if the motions to waive are successful, then at 4 p.m., the Senate then proceed immediately to vote on adoption of the conference report; that upon adoption of the conference report, the Senate then resume consideration of H.R. 2847, and the Ensign motion to recommit with 2 minutes prior to a vote in relation to the motion, with no amendments in order to the motion.

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

MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2997), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of September 30, 2009)

Mr. KOHL. Mr. President, I rise in support of the conference report on H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for 2010.

This bill includes total spending of \$121.1 billion. Of the total, \$97.8 billion is for mandatory programs, and \$23.3 billion is for discretionary programs. The discretionary spending in this bill is an increase of \$2.7 billion and is within our 302(b) allocation.

This bill funds a range of programs that help improve the lives of Americans every day.

It provides more resources for food and drug safety.

It delivers low-income housing and supports rural communities who need sanitary water systems.

It fully funds the WIC, SNAP, School Lunch and School Breakfast Programs. It expands the Commodity Supplemental Food Program and the Child and Adult Care Feeding Program.

It significantly expands the McGovern-Dole Program so children in developing countries can get school meals. Often, that is the only reason they come to school.

It bolsters agricultural research so we can produce better crops and feed more people more efficiently.

It funds conservation, community development, animal and plant health, trade, and much more.

We worked closely with our counterparts in the House to come to satisfactory agreements on issues about which we had differing views.

We included compromise language on the reimportation of Chinese poultry, setting up a stringent system to protect public health. This language meets all of our WTO requirements and has been endorsed by all sides.

We included critical funds to aid the dairy sector which is suffering from historically low prices. Some will be used to purchase dairy products for food pantries, and the rest will provide direct relief to producers.

We fund development of new food aid products to provide higher nutritional content for food aid recipients; most of these products have not been updated for nearly two decades.

Overall, this bill is properly balanced. It provides appropriate funding and direction for the Department of Agriculture, FDA and other agencies. We worked to ensure that the concerns of all Senators were addressed, and I believe we have been successful.

I am very encouraged by the process that brought us to this point, and I am grateful to my ranking member, Senator BROWNBACK, and others who have been instrumental in its success.

I strongly encourage all Senators to support this bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague, Senator KOHL, who chairs this committee. This is the first year for me to be ranking member. He has been a delight to work with.

A number of issues are addressed in this bill. The centerpiece is the agriculture industry. It is of key importance. It is interesting to note, in this economic downturn we are in, that the agriculture industry has had a great deal of difficulty, although it has been one of the stronger industry sections we have had during this period. That is in no small part because of the strength of the industry, the willingness of people to work, to invest aggressively, to work hard, and to pay attention to details.

For us to support the research entities underneath it—a lot of that is in this bill. So we are researching aggressively what we can do to produce things efficiently, effectively, that the marketplace wants. It is a great export industry. It is one that provides a lot of exports out of my State, out of the State of the chairman, and the States of other Senators. That research is important. That is what is in the bill, the research and development industry. That is the primary piece of it. It is not the total, but it is a key part.

Looking into the future, I can see that places we need to go are in things that will require the research for us to be able to move forward, things such as cellulosic ethanol where people are excited about doing the grain-based ethanol. We need to have a stream from cellulosic ethanol so we can produce more of our energy needs domestically and renewably. That also goes into the energy field, but it is a key part of agriculture. It also grows jobs in rural areas where it is pretty hard at times to grow jobs. People go to more concentrated regions and places, but we need them in rural areas. If we can invest and if we can show ways people can invest and make money in rural areas, going into food and fiber and fuels and pharmaceutical products, these are things that can really work for us and for our people and around the world. I am pleased to work with

Chairman KOHL on that. He has worked on this many years. This has been my first year as ranking member.

In particular, I would like to note two areas we made key investments in that are important for the country and to save people's lives. One is in the food and drug piece of this bill. The FDA is also appropriated in this bill.

One of those areas is rare and neglected diseases. There is language included in this bill that creates two groups within FDA to examine the agency's approach to rare and neglected diseases in the developing world and here.

Unfortunately, a number of people in the United States get diseases that maybe only 100,000 people get. That sounds like a big number, and it is a big number, but to a drug company looking at making an investment and then being able to develop a cure, it is looking for a much larger marketplace.

What we are asking in this bill is, are there ways within the FDA, for a rare disease or neglected disease, for us to cut down the cost process to develop a new drug? Otherwise, we are not getting any research into how we take care of diseases for somebody who is one of 50,000 who get it, and there is nothing going on research-wise to help them. I had a lady in my office this morning who had a disease in this category. She was basically told by her physician when she got diagnosed: You should get your affairs in order. That is not an acceptable answer, particularly as a policymaker.

We have two groups in here looking at rare or neglected diseases and how do we cut the cost of developing that drug so that a pharmaceutical company or others could say: This doesn't affect a lot of people, but my entry cost is lower, so I will look at this, I will go into this field. Our hope is we can stimulate some research in this country.

Then neglected diseases around the world that can affect huge numbers of people—the World Health Organization says that more than a billion people, nearly one in every six persons worldwide is affected by at least one of the neglected diseases. This isn't a small category, but they happen to be in countries that don't have high per capita income. So again a company looks at this and says: There are a lot of people affected, but there is no income level here, so I can't go into it. Well-known examples include malaria, tuberculosis, and cholera. They disproportionately affect low-income populations in developing countries. We are going at this issue too.

I can't think of a better place for us to invest more policy-wise than helping to save people's lives. People tend to like you more when you help save their lives. This affects a broad cross-section of people around the world. And we have the marketplace, the technology to work on it, if we can cut the cost down. These two really track together, and they are very important for us to

save lives. I always consider it a great day if we can save a person's life by some policy move we are making that may make things work better. These are a couple of them.

Another area the chairman and I have been working on is the issue of food aid. Here, I have had a lot of disappointment in the fact that we put a lot of money in food aid and then not a lot of it hits the target. For every dollar we put in food aid, 60 percent is eaten up by transportation and administration. So 40 percent gets to the person who actually needs it.

A lot of these are food aid situations where it costs a lot to get the food there. Going into the interior in Sudan, it just costs a lot to get there, there is no question. But still I have to think we can do this better. We are starting to look at that but also pilot projects to help develop new food aid products and to develop micronutrient-fortified foods for infant through schoolage children, pregnant or nursing mothers. We haven't developed a new food aid product in over 20 years. The last one was a corn-soybean blend which is a good product. But I know the chairman and I don't eat the way we did 20 years ago. You kind of understand the body moves a little differently.

This area of micronutrients is the area that most researchers believe that if the world would invest in it, it is the highest yield category for us to save and positively affect the most lives, an investment in micronutrients. It may be a corn-and-soybean blend, but it also has vitamin additives put into it for that infant, that nursing mother, that person with AIDS or malaria. We have invested a lot to try to save the person with AIDS or malaria, but now they really can't get better because they don't have the nutrition in their body they need. We get that into the system.

I am excited about these steps and pilot projects, what we might be able to find out in these categories and do to save lives. These are well-spent funds.

It is tough economic times for us as a country. These are critical issues for us. I am always looking at ways we can hold the budget numbers down because I think we really have to get our budget under control. These are ones that have been good and wise investments. They are important places for us to work in.

I am appreciative of being able to work on these particular projects. As we move forward, looking at next year, I hope we can sharpen the pencil even more in areas that may have been a high priority in the past but they should not be now, for us to look at ways we can control and get our budget down. And then you move that money either into paying down the deficit so the deficit is much lower or you say: If we are going to put things in higher investment areas, we move them from low-investment to high-investment regions, and that we would emphasize

ourselves and work in the committee to see what areas are there that we should be taking money out of to put into higher need categories or to put back against the deficit that is just running way too high for us as a country.

We all know that. This deficit is way too high. It is unsustainable. We need to sharpen our pencil every bit we can in these committees to do our part. I hope we can really spend some time this next year, even as we line up for the appropriations process, holding hearings on what are low-priority areas, what we can cut out of this budget. We tend to mostly focus on new ideas, new programs, and those are good and important, but in these budgetary times, we have to spend some time asking: What is it we could do without? That would be important for us to do.

It has been a pleasure to work with the chairman. I urge colleagues to vote for the conference report and to send it on to the President.

I yield the floor.

#### CONGRESSIONALLY DIRECTED SPENDING

Mr. KOHL. Mr. President, it has been brought to my attention that the Congressionally directed spending items table in the statement of managers to accompany the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act mistakenly listed Senator HUTCHISON as requesting funding for the medicinal and Bioactive Crops research project through the Agricultural Research Service. Additionally, Senator HUTCHISON's name was mistakenly omitted from the table for the Grain Sorghum research project through the National Institute for Food and Agriculture and the Range Revegetation for Ft. Hood conservation project through the Natural Resources Conservation Service.

Mr. BROWNBACK. I agree with Chairman KOHL and appreciate him bringing these items to the Chamber's attention.

#### EMERGENCY DAIRY ASSISTANCE

Mrs. BOXER. Mr. President, I thank the Senator from Wisconsin and the Senator from Vermont for joining me to discuss \$350 million in emergency dairy assistance funding included in the fiscal year 2010 Agriculture, Rural Development, and Food and Drug Administration Appropriations Act conference report.

I had a very encouraging meeting with the Secretary of Agriculture where he informed me that he intends to distribute emergency dairy assistance funds included in the conference report in a way that is regionally equitable, and to do so as quickly as possible.

As the author of the amendment to the fiscal year 2010 Agriculture appropriations bill that added \$350 million in emergency dairy assistance funds, the Senator from Vermont stated on the floor that "whether it is Vermont, Wis-

consin, California, Colorado—rural America is hurting."

The Senator from Vermont went on to say that "I know the people familiar with dairy always say these are great regional fights, the Northeast is fighting the Midwest is fighting the Southeast is fighting the West coast, and every region has its own set of priorities. This is not a regional issue, this is a national issue."

I ask the Senator from Vermont, was it your intention that emergency assistance be provided to dairy farmers in every region of the country?

Mr. SANDERS. Yes, that is correct.

Mrs. BOXER. I thank the Senator from Vermont. If I may ask the Senator from Wisconsin, as the lead Senate negotiator, can you tell us how the conference committee intended these funds to be used when crafting the final language?

Mr. KOHL. Let me start by saying that I appreciate the guidance and input I have received from my California colleague throughout this process.

The bill before us provides \$290 million to the Secretary under broad authorities to assist our Nation's dairy farmers. The conference report does not direct any form this assistance shall take—an approach that was the result of a hard-fought negotiation with the House. Many members would have preferred to distribute this assistance through the MILC program formula. In fact, I must admit that such an outcome would have been my preference since programs such as MILC would greatly benefit my farmers in Wisconsin. But I knew that dairy farmers all across the country are suffering and an approach couched in inherently regional terms would not meet the test for national acceptance.

I understand the MILC program would impose limitations difficult for some regions to accept, and for that reason a more general authorization was employed to provide greater regional fairness in the distribution of assistance. My understanding is that the Secretary has three main goals in mind in administering this assistance: No. 1, the payments must be directed to actual dairy farmers, No. 2, the payments must go out as quickly as possible, and No. 3, the payments must reflect as much regional equity and fairness as possible. I agree with these three principles and trust that the Secretary will carry out this assistance in that fashion.

Mrs. BOXER. I thank the Senator from Wisconsin for his views and say further that his understanding of the Secretary's goals is correct. I thank my colleagues for joining me to discuss this issue.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act for fiscal year 2010.

The conference report provides \$23.3 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$17.7 billion. When outlays from prior-year budget authority are taken into account, non-emergency discretionary outlays for the bill will total \$24.9 billion.

The conference report matches its section 302(b) allocation for budget authority and is \$120 million below its allocation for outlays.

The bill is not subject to any budget points of order.

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

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

#### H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

(Spending comparisons—Conference Report (in millions of dollars))

	General purpose
<b>Conference Report:</b>	
Budget Authority .....	23,304
Outlays .....	24,905
<b>Senate 302(b) Allocation:</b>	
Budget Authority .....	23,304
Outlays .....	25,025
<b>Senate-Passed Bill:</b>	
Budget Authority .....	23,400
Outlays .....	25,030
<b>House-Passed Bill:</b>	
Budget Authority .....	22,900
Outlays .....	24,686
<b>President's Request:</b>	
Budget Authority .....	22,980
Outlays .....	24,904
<b>Conference Report Compared To:</b>	
<b>Senate 302(b) allocation:</b>	
Budget Authority .....	0
Outlays .....	-120
<b>Senate-Passed Bill:</b>	
Budget Authority .....	96
Outlays .....	125
<b>House-Passed Bill:</b>	
Budget Authority .....	404
Outlays .....	219
<b>President's Request:</b>	
Budget Authority .....	324
Outlays .....	1

Note: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111-32).

Mr. MCCAIN. Mr. President, today the Senate turns to the conference report for H.R. 2997, the Agriculture appropriations bill for fiscal year 2010. This bill spends about \$120 billion in direct and mandatory spending. This is on top of the \$108 billion that was provided under the fiscal year 2009 omnibus bill, as well as the infamous economic stimulus package, which provided another \$26.5 billion in Ag spending.

I acknowledge that many of the programs funded by this bill are valued for providing important services to the agriculture community at large, and I commend the members of the Senate Appropriations Committee for reporting this bill in a timely manner. I agree that we should ensure that our farmers stay out of the red, and that some Federal involvement is necessary to assist low-income families under nutrition programs. Unfortunately, Congress once again has conformed to the practice of diverting precious taxpayer dollars into an array of special interest

pork projects which have not been authorized or requested by the administration.

When the bill passed the Senate shortly before the August recess, the bill carried with it 296 "Congressionally Directed Spending Items" a fancy new term for earmarks—totaling over \$220 million. Now that conferees have had their chance to feed at the trough, the number of earmarks has grown to 461 totaling over \$360 million. None of these projects were requested by the administration. Many of them were not authorized, or competitively bid in any way. No hearing was held to judge whether or not these were national priorities worthy of scarce taxpayer's dollars.

Let's take a look at some of the earmarks that are in this bill: \$2 million for a fruit laboratory in West Virginia; \$819,000 for catfish genome research in Alabama; \$360,000 for a corn ethanol research plant in Washington, DC; \$75,000 to promote childhood farm safety in Iowa; \$250,000 for the Iowa Vitality Center; \$700,000 to improve cattle health in Maine; \$300,000 to develop "Best Practices in Agriculture Waste Management" in California; \$1.3 million for greenhouse nurseries in Ohio, which weren't requested by the administration; \$2.9 million for shrimp aquaculture research in Arizona and Massachusetts; \$693,000 for beef improvement research in Missouri; \$165,000 for maple syrup research in Vermont; \$195,000 to research how to increase the lifespan of peach trees in South Carolina; \$349,000 for pig waste management in North Carolina; \$500,000 goes to the National Wild Turkey Federation in Nebraska, and \$250,000 for the Kansas Farm Bureau Foundation for a workforce development program.

The largest earmark in this bill goes to Hawaii. The Aloha State bags \$5 million to continue construction of an Agriculture Research Service Center to study agriculture practices in the Pacific. As my colleagues know, ARS construction is one of the most heavily earmarked accounts in government. So much so that the President's budget actually proposed zeroing out ARS construction for fiscal year 2010 because:

Congress routinely earmarks small amounts of funding for [ARS projects] located throughout the nation. The result of scattering funding in this manner is that . . . few if any of the projects are able to reach the critical threshold of funding that would allow construction to begin. Funding construction over such a long time significantly increases the amount of money needed to fully complete these projects, as well as postponing their completion for many years.

So here we have a program that is earmarked so severely that it delays and drives up the costs of approved construction projects. Not only are we funding this Hawaiian facility, but conferees approved 21 earmarks totaling over \$71 million for ARS facility construction, some of them airdropped in conference.

During Senate consideration of this bill, I filed over 300 amendments to

strike every earmark as well as cut funding to several USDA programs that the President proposed for termination including the ARS facilities account. It should come as no surprise that my amendments were defeated at every turn by appropriators on both sides of the aisle.

These projects may be meritorious and helpful to the designated communities, but considering our current budgetary crisis, it's inappropriate to include them on this year's agriculture spending bill, especially when they have been identified for termination or reduction. I hope my colleagues will agree that we have higher spending priorities that are directly related to the purposes of this agriculture bill. This bill is intended to address farmers, women, children, and rural communities with the greatest need, not for piggybacking pet projects that garner the support of special interest constituents.

I know that many of my colleagues have spoken about the economic struggles of America's hardworking farmers and low-income families. The farmers and struggling families I know are their tired of watching their hard-earned money go down the drain.

I will oppose this conference report and every other pork-laden bill that comes before this body.

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

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 2997 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. AKAKA. Mr. President, I am pleased that the Senate will pass H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2010 conference report.

This legislation will fund important programs, such as food safety inspection, agricultural research, and the Supplemental Nutrition Program for Women, Infants, and Children. Programs such as these will benefit the entire Nation. My constituents will additionally benefit from a number of projects located throughout the State of Hawaii.

The bill will stimulate food and agricultural development in Hawaii through projects tailored to the State's needs. It will fund continued agricultural development and resource conservation programs through the local, community-based leadership of Hawaii's four Resource Conservation and Development Councils. It will foster

food science and agricultural research that meets Hawaii's unique needs and that bolsters American competitiveness in such areas as floriculture, tropical fruit, and aquaculture.

Watershed and flood prevention projects in Hawaii also receive appropriate attention in this bill. Recent droughts underscore the importance of watershed projects to increase water storage capacity, delivery system efficiency, and water conservation. Projects on Maui and the Big Island will help make progress on the planning and construction of projects dealing with the limited natural resource of water.

Funding in the bill also includes programs to control invasive species in Hawaii such as termites, brown tree snakes, coqui frogs, and other alien pests and weeds that threaten agricultural lands and sensitive ecosystems. Hawaii is the only domestic supplier of varroa mite-free queen bees for honey producers and pollinators, and therefore the mite eradication efforts cultivated by this legislation are of national importance. Similarly, farmers in the continental United States will benefit from the establishment of a facility to provide a secure supply of sterile fruit flies used to control fruit flies that are destructive to fruit crops. Hawaii offers a premier location for rearing sterile fruit flies as four pestiferous fruit fly species are already established there.

In sum, this bill will fund programs meeting Hawaii's unique needs in addition to supporting local leadership that will aid agriculture nationally. I am glad to have advocated for this funding and thank the senior Senator from Hawaii, the Chairman of the Appropriations Committee, as well as the Chairman and Ranking Member of the Senate Appropriations Agriculture, Rural Development, and FDA Subcommittee for their work in crafting and managing this bill.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. 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. KOHL. Mr. President, I ask for all the remaining time to be yielded back.

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

Mr. KOHL. Mr. President, I 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 conference report.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—76

Akaka	Gillibrand	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Hatch	Reid
Bennet	Hutchison	Risch
Bennett	Inouye	Roberts
Bingaman	Johanns	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kirk	Shaheen
Brownback	Klobuchar	Shelby
Burris	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Vitter
Conrad	Lugar	Voivovich
Crapo	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wicker
Feingold	Murkowski	Murray
Feinstein	Nelson (NE)	Wyden
Franken		

NAYS—22

Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Bunning	Enzi	McCain
Burr	Graham	McConnell
Chambliss	Grassley	Sessions
Coburn	Gregg	Thune
Corker	Inhofe	
Cornyn	Isakson	

NOT VOTING—2

Byrd  
Kerry

The conference report was agreed to. Mrs. FEINSTEIN. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The Senate will continue consideration of H.R. 2847.

MOTION TO RECOMMIT

There will now be 2 minutes of debate, equally divided, prior to a vote on the motion offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, this is a simple motion to recommit the bill to put it at last year's funding level, plus the money for the census. The census is once every 10 years, and it will allow for that funding increase.

But in this era of record deficits and uncontrolled Washington spending, we are living under last year's spending levels with this motion. We need to get serious in this body about getting our spending under control. We have to

start with appropriations bills. We know we have to cut spending on entitlements.

Let's start now by living under last year's spending levels, instead of the large increases we are having on appropriations bill after appropriations bill.

My motion allows the Appropriations Committee to determine what levels programs would be at, but we are not going to allow across-the-board increases.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I vigorously oppose the motion.

First, the bill is consistent with the budget resolution and the CJS subcommittee 302(b) allocation.

Second, the bill is a product of bipartisan cooperation reported out of the Appropriations Committee unanimously.

Third, the consequences of cutting the CJS bill to 2009 levels by excluding the census would be devastating. If you take out the census and do a cut, guess whom you are cutting. First of all, you are cutting Federal law enforcement. If you think this is a simple resolution, tell that to the FBI. If you think it is simple, tell it to the marshals who are chasing sexual predators. If you think it is simple, tell it to the astronauts, who are waiting to make sure we put the money in the budget to keep them safe as they go into space.

There is nothing simple about this motion to recommit. I simply ask you to reject the Ensign motion.

Madam President, I ask for the yeas and nays.

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

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—33

Barrasso	Ensign	Lugar
Bayh	Enzi	McCain
Brownback	Graham	McCaskill
Bunning	Grassley	McConnell
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	Voivovich
DeMint	Kyl	Wicker

NAYS—65

Akaka	Cantwell	Feinstein
Alexander	Cardin	Franken
Baucus	Carper	Gillibrand
Begich	Casey	Hagan
Bennet	Cochran	Harkin
Bennett	Collins	Inouye
Bingaman	Conrad	Johnson
Bond	Dodd	Kaufman
Boxer	Dorgan	Kirk
Brown	Durbin	Klobuchar
Burris	Feingold	Kohl

Landrieu	Murray	Snowe
Lautenberg	Nelson (NE)	Specter
LeMieux	Nelson (FL)	Stabenow
Leahy	Pryor	Tester
Levin	Reed	Udall (CO)
Lieberman	Reid	Udall (NM)
Lincoln	Rockefeller	Warner
Menendez	Sanders	Webb
Merkley	Schumer	Whitehouse
Mikulski	Shaheen	Wyden
Murkowski	Shelby	

NOT VOTING—2

Byrd  
Kerry

The motion was rejected.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST—H.R. 3548

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3548, which was received from the House. I further ask unanimous consent that a Reid substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, it is my understanding that we received this an hour and a half ago. I have no doubt at the appropriate time we will be able to work out some kind of agreement. But our side is going to need some time to look at it. We will need some Republican ideas or amendments as well, and we will need a CBO score.

At this time, I will have to, on behalf of Members on our side, pose an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, if I can just say—and I know others wish to speak on this issue—we have found a new stalling tactic. It is pretty new. It is CBO. Now I am sure everything is going to be “CBO.” I am sorry the consent request was not granted.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I was going to call up an amendment, but I think the Senator from New Hampshire wishes to speak. I ask unanimous consent that the Senator from New Hampshire be recognized and I be recognized after her.

Mr. REID. Madam President, if I may ask my friend, the chairman of the Finance Committee, does he wish to speak?

Mr. BAUCUS. That is correct, 2 minutes.

Mr. REID. Why don't we let the chairman of the Judiciary Committee go for 30 seconds to offer an amendment.