

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

Mr. DURBIN. 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 related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 295

Whereas metastatic breast cancer refers to stage IV breast cancer, when cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in the new location;

Whereas in 2009, an estimated 192,370 women and 1,910 men in the United States will be diagnosed with invasive breast cancer, and 62,280 women will be diagnosed with in situ breast cancer;

Whereas nearly 30 percent of women diagnosed with early stage breast cancer will develop stage IV advanced or metastatic breast cancer;

Whereas in developing countries, the majority of women with breast cancer are diagnosed with advanced stage or metastatic disease;

Whereas the statistic that 155,000 women and men are presently living with metastatic breast cancer in the United States underscores the immediate need for increased public awareness;

Whereas there currently is no cure for metastatic breast cancer, and metastatic breast cancer frequently involves trying one treatment after another with the goal of extending the best quality of life as possible;

Whereas scientists and researchers are conducting important research projects to achieve breakthroughs in metastatic breast cancer research;

Whereas metastatic breast cancer is rarely discussed during National Breast Cancer Awareness Month, observed in October 2009, but those living with the disease should never feel isolated or ignored;

Whereas metastatic Breast Cancer Awareness Day emphasizes the urgent need for new, targeted breast cancer treatments that will provide a high quality of life and long life expectancy for patients by making stage IV cancer a chronic, but not fatal, disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of breast cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 13, 2009, as “National Metastatic Breast Cancer Awareness Day”;

(2) encourages all people of the United States to become more informed and aware of metastatic breast cancer; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Metastatic Breast Cancer Network.

RED RIBBON WEEK, 2009

Mr. DURBIN. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 313, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 313) supporting the goals and ideals of Red Ribbon Week, 2009.

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

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 313

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique “Kiki” Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been sponsored by the National Family Partnership and nationally recognized since 1988 to preserve Special Agent Camarena’s memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, committed throughout its 36 years to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances, has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics demand attention, including the abuse of methamphetamines, inhalants, and prescription medications, the second most abused drug by young people in the United States;

Whereas between 1996 and 2006, the percentages of admissions to substance abuse treatment programs as a result of the abuse of methamphetamines, prescription medications, and marijuana each significantly rose;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior

citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2009;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

MEASURE READ THE FIRST TIME—S. 1776

Mr. DURBIN. I understand S. 1776, introduced earlier today by Senator STABENOW, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (S. 1776) to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

Mr. DURBIN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 464, the nomination of Daniel Werfel to be Controller of the Office of Federal Financial Management, Office of Management and Budget; that the nomination be confirmed, the motion to reconsider be laid upon the table, no further motions be in order, and that any statements relating thereto be printed in the RECORD, the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR WEDNESDAY,
OCTOBER 14, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, October 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the consideration of the conference report to accompany H.R. 3138; that there then be 10 minutes of debate equally divided and controlled between Senators DORGAN and BENNETT of Utah or their designees, with Senator DORGAN controlling the final 5 minutes; that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the conference report to accompany H.R. 3183. Finally, I ask that the Senate recess from 12:30 until 2:15 p.m. for the weekly caucus luncheons.

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

PROGRAM

Mr. DURBIN. Senators should expect the first vote of the day to be at 11:15 a.m. tomorrow. That vote will be on the motion to invoke cloture on the conference report to accompany H.R. 3183, the Energy and Water appropriations bill.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Wednesday, October 14, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NUCLEAR REGULATORY COMMISSION

GEORGE APOSTOLAKIS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2014, VICE PETER B. LYONS, TERM EXPIRED.

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, VICE EDWARD MCGAFFIGAN, JR.

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. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

ELIZABETH M. HARMAN, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE W. ROSS ASHLEY, III, RESIGNED.

DEPARTMENT OF STATE

ELENI TSAKOPOULOS KOUNALAKIS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENI-

POTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

PETER ALAN PRAHAR, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

DEPARTMENT OF JUSTICE

SHARON JEANETTE LUBINSKI, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE MICHAEL G. MCGINN.

THE JUDICIARY

ROSANNA MALOUF PETERSON, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON, VICE FREDERICK L. VAN SICKLE, RETIRED.

CHRISTINA REISS, OF VERMONT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF VERMONT, VICE JOHN GARVAN MURTHA, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, October 13, 2009:

EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL I. WERFEL, OF VIRGINIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 13, 2009 withdrawing from further Senate consideration the following nomination:

LORELEI BOYLAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECAMP, WHICH WAS SENT TO THE SENATE ON MAY 11, 2009.