

“(F) contain the same material terms included in section 5.6 of those long term contracts for purchases from the Hoover Power Plant that were made in accordance with this Act and are in existence on the date of enactment of the Hoover Power Allocation Act of 2009.”.

(h) EXISTING RIGHTS.—Section 105(b) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(b)) is amended by striking “2017” and inserting “2067”.

(i) OFFERS.—Section 105(c) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(c)) is amended to read as follows:

“(c) OFFER OF CONTRACT TO OTHER ENTITIES.—If any existing contractor fails to accept an offered contract, the Secretary of Energy shall offer the contingent capacity and firm energy thus available first to other entities in the same State listed in Schedule A and Schedule B, second to other entities listed in Schedule A and Schedule B, third to other entities in the same State which receive contingent capacity and firm energy under subsection (a)(2) of this section, and last to other entities which receive contingent capacity and firm energy under subsection (a)(2) of this section.”.

(j) AVAILABILITY OF WATER.—Section 105(d) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(d)) is amended to read as follows:

“(d) WATER AVAILABILITY.—Except with respect to energy purchased at the request of an allottee pursuant to subsection (a)(3), the obligation of the Secretary of Energy to deliver contingent capacity and firm energy pursuant to contracts entered into pursuant to this section shall be subject to availability of the water needed to produce such contingent capacity and firm energy. In the event that water is not available to produce the contingent capacity and firm energy set forth in Schedule A, Schedule B, and Schedule D, the Secretary of Energy shall adjust the contingent capacity and firm energy offered under those Schedules in the same proportion as those contractors’ allocations of Schedule A, Schedule B, and Schedule D contingent capacity and firm energy bears to the full rated contingent capacity and firm energy obligations.”.

(k) CONFORMING AMENDMENTS.—Section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) is amended—

(1) by striking subsections (e) and (f); and
(2) by redesignating subsections (g), (h), and (i) as subsections (e), (f), and (g), respectively.

(l) CONTINUED CONGRESSIONAL OVERSIGHT.—Subsection (e) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) in the first sentence, by striking “the renewal of”; and

(2) in the second sentence, by striking “June 1, 1987, and ending September 30, 2017” and inserting “October 1, 2017, and ending September 30, 2067”.

(m) COURT CHALLENGES.—Subsection (f)(1) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended in the first sentence by striking “this Act” and inserting “the Hoover Power Allocation Act of 2009”.

(n) REAFFIRMATION OF CONGRESSIONAL DECLARATION OF PURPOSE.—Subsection (g) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) by striking “subsections (c), (g), and (h) of this section” and inserting “this Act”; and

(2) by striking “June 1, 1987, and ending September 30, 2017” and inserting “October 1, 2017, and ending September 30, 2067”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 376—HONORING THE 60TH ANNIVERSARY OF THE ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND THE HASHEMITE KINGDOM OF JORDAN, THE 10TH ANNIVERSARY OF THE ACCESSION TO THE THRONE OF HIS MAJESTY KING ABDULLAH II IBN AL HUSSEIN, AND FOR OTHER PURPOSES

Mr. INOUE (for himself, Mr. GREGG, Mr. LIEBERMAN, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 376

Whereas the Hashemite Kingdom of Jordan achieved independence on May 25, 1946;

Whereas the United States recognized Jordan as an independent state in a White House announcement on January 31, 1949;

Whereas diplomatic relations and the American Legation in Jordan were established on February 18, 1949, when United States diplomat Wells Stabler presented his credentials as Chargé d’Affaires in Amman;

Whereas, for 60 years, the United States and Jordan have enjoyed a close relationship and have worked together to advance issues ranging from the promotion of Middle East peace to advancing the socio-economic development of the people of Jordan, as well as the threat to both posed by al Qaeda and violent extremism;

Whereas, from 1952 to 1999, King Hussein charted a moderate path for his country;

Whereas, for decades, the United States has been Jordan’s strongest international partner;

Whereas, throughout his reign, King Hussein looked for opportunities to realize his dream of a more peaceful Middle East by working to solve intra-Arab disputes and engaging successive Prime Ministers of Israel in the search for peace;

Whereas King Hussein and Prime Minister of Israel Yitzhak Rabin signed the historic Jordan-Israel peace treaty in 1994, ending nearly 50 years of war between the neighboring countries;

Whereas the United States lost a close friend and a crucial partner when King Hussein passed away in 1999;

Whereas King Hussein was succeeded by his son, King Abdullah II, who has continued his father’s work to improve the lives of the people of Jordan while also seeking to bring peace to the region;

Whereas, in the aftermath of the September 11, 2001, terrorist attacks, the Government of Jordan has been an instrumental partner in the fight against al Qaeda, has provided crucial assistance in Iraq, and has shouldered a heavy burden in providing refuge to a significant portion of the Iraqi refugee population;

Whereas, through his 2004 Amman Message, King Abdullah II has been a leading Arab voice in trying to reaffirm the true path of Islam;

Whereas, in November 2005, al Qaeda terrorists struck three hotels in Amman, Jordan, thereby uniting the people of Jordan and the United States in grief over the lives lost at this act of terrorism; and

Whereas King Abdullah II begins his second decade on the Hashemite throne by redoubling his efforts for peace in the region as the Jordan-United States partnership enters its seventh decade: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 60th anniversary of the close relationship between the United States and the Hashemite Kingdom of Jordan;

(2) expresses its profound admiration and gratitude for the friendship of the people of Jordan;

(3) congratulates His Majesty King Abdullah II on 10 years of enlightened and progressive rule; and

(4) shares the hope of His Majesty King Abdullah II and the people of Jordan for a more peaceful Middle East.

SENATE CONCURRENT RESOLUTION 48—RECOGNIZING THE LEADERSHIP AND HISTORICAL CONTRIBUTIONS OF DR. HECTOR GARCIA TO THE HISPANIC COMMUNITY AND HIS REMARKABLE EFFORTS TO COMBAT RACIAL AND ETHNIC DISCRIMINATION IN THE UNITED STATES OF AMERICA

Mr. MENENDEZ submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 48

Whereas Dr. Hector Garcia changed the lives of Americans from all walks of life;

Whereas Dr. Hector Garcia was born in Mexico on January 17, 1914, and immigrated to Mercedes, Texas, in 1918;

Whereas Dr. Hector Garcia is an honored alumnus of the School of Medicine at the University of Texas Medical Branch, Class of 1940;

Whereas Dr. Hector Garcia fought in World War II, specifically in North Africa and Italy, attained the rank of Major, and was awarded the Bronze Star with six battle stars;

Whereas once the Army discovered he was a physician, Dr. Hector Garcia was asked to practice his profession by treating his fellow soldiers;

Whereas Dr. Hector Garcia moved to Corpus Christi, Texas, after the war, and opened a medical practice; rarely charged his indigent patients, and was recognized as a passionate and dedicated physician;

Whereas he first became known in south Texas for his public health messages on the radio with topics ranging from infant diarrhea to tuberculosis;

Whereas Dr. Hector Garcia continued his public service and advocacy and became founder of the American G.I. Forum, a Mexican-American veterans association, which initiated countless efforts on behalf of Americans to advance opportunities in health care, veterans’ benefits, and civil rights equality;

Whereas his civil rights movement would then grow to also combat discrimination in housing, jobs, education, and voting rights;

Whereas President Kennedy appointed Dr. Hector Garcia a member of the American Treaty Delegation for the Mutual Defense Agreement between the United States and the Federation of the West Indies;

Whereas in 1967, President Lyndon Johnson appointed Dr. Hector Garcia as alternate ambassador to the United Nations where he gave the first speech by an American before the United Nations in a language other than English;

Whereas Dr. Hector Garcia was named member of the Texas Advisory Committee to the United States Commission on Civil Rights;

Whereas President Reagan presented Dr. Hector Garcia the Nation’s highest civilian

award, the Medal of Freedom, in 1984 for meritorious service to his country, the first Mexican American to receive this recognition; and

Whereas Pope John Paul II recognized him with the Pontifical Equestrian Order of Pope Gregory the Great: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) encourages—

(A) teachers of primary schools and secondary schools to launch educational campaigns to inform students about the lifetime of accomplishments by Dr. Hector Garcia; and

(B) all people of the United States to educate themselves about the legacy of Dr. Hector Garcia; and

(2) recognizes the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3242. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 3243. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3244. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3245. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3246. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3247. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3248. Mr. REID proposed an amendment to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

SA 3249. Mr. REID proposed an amendment to the bill H.R. 3326, supra.

SA 3250. Mr. REID proposed an amendment to amendment SA 3249 proposed by Mr. REID to the bill H.R. 3326, supra.

SA 3251. Mr. REID proposed an amendment to amendment SA 3250 proposed by Mr. REID to the amendment SA 3249 proposed by Mr. REID to the bill H.R. 3326, supra.

SA 3252. Mr. REID proposed an amendment to amendment SA 3248 proposed by Mr. REID to the bill H.R. 3326, supra.

SA 3253. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID

(for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 3254. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3255. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3256. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3257. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3258. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3242. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1053, between lines 2 and 3, insert the following:

SEC. 3403A. IMPROVEMENTS TO THE INDEPENDENT MEDICARE ADVISORY BOARD.

Section 1899A of the Social Security Act, as added by section 3403, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by redesignating subparagraph (B) as subparagraph (C); and

(ii) by inserting after subparagraph (A) the following new subparagraph:

“(B) PROMULGATION OF REGULATIONS TO PROVIDE FOUNDATION FOR BOARD PROPOSALS.—

“(i) IN GENERAL.—Before developing any proposal under this section, the Board, after consultation with the Secretary, shall promulgate regulations through which the Board interprets the provisions of this section that concern the duties of the Board in order to provide a substantive and procedural foundation for carrying out such duties. Such regulations shall be promulgated in accordance with the procedures under section 553 of title 5, United States Code, that relate to substantive rules.

“(ii) RULE OF CONSTRUCTION.—Clause (i) may not be construed as requiring that proposals under this section be promulgated in accordance with the rulemaking procedures referred to in clause (i).”;

(B) in paragraph (2), by adding at the end the following new subparagraphs:

“(G) CONSULTATION WITH INDEPENDENT ADVISORY COMMITTEE.—

“(i) IN GENERAL.—Not later than 60 days after the date of the enactment of the Patient Protection and Affordable Care Act, the Secretary shall establish an advisory committee to review, in accordance with procedures established in the Federal Advisory Committee Act, each proposal to be submitted to Congress under this section.

“(ii) COMPOSITION.—The advisory committee under clause (i) (referred to in this subparagraph as the ‘Independent Committee’) shall be composed of not more than 15 members who are medical and scientific experts appointed from among individuals who are not officers or employees of the Federal Government.

“(iii) REVIEW AND REPORT.—The Board shall submit a draft copy of each proposal to be submitted to the President under this section to the Independent Committee for its review. The Board shall submit such draft copy by not later than September 1 of the year preceding the year for which the proposal is to be submitted. Not later than November 1 of such year, the Independent Committee shall submit a report to Congress and the Board on the results of such review, including matters reviewed pursuant to the succeeding provisions of this subparagraph.

“(iv) CLINICAL APPROPRIATENESS OF PAYMENT RESTRICTIONS AND COVERAGE RESTRICTIONS.—The review of the Independent Committee of a recommendation in a proposal under this section shall, with respect to any changes in items or services under this title, include evaluating the differences in treatment guidelines and variables of treatment costs for items and services under this title that are subject to a reduction in payment or restriction in coverage pursuant to the recommendation. The purpose of such evaluation shall be to ensure that the recommendation applies only to those items and services for which such comparisons may be made in a clinically appropriate manner.

“(v) SUBSTANTIAL EVIDENCE REGARDING CERTAIN RECOMMENDATIONS.—With respect to a recommendation in a proposal of the Board that reduces payment or restricts coverage for items and services under this title, the Independent Committee shall determine whether the recommendation is supported by substantial evidence.

“(vi) SPECIAL POPULATIONS; HEALTH DISPARITIES.—In reviewing a recommendation in a proposal under this section, the Independent Committee shall evaluate the effect on special populations and whether the recommendation is consistent with Federal policies to reduce health disparities.

“(vii) PUBLIC MEETING TO PRESENT AND DISCUSS FINDINGS.—Before issuing a report under clause (iii), the Independent Committee shall hold a public meeting at which it presents the findings of its review under such clause and seeks comments from individuals attending the meeting.

“(H) PUBLICATION OF INITIAL PROPOSAL IN FEDERAL REGISTER.—

“(i) IN GENERAL.—Not later than October 1 preceding the proposal year involved, the Board shall publish in the Federal Register an initial proposal of the Board under this section and shall seek comments from the public on the proposal. The final proposal shall be published in the Federal Register on the same date as the date on which such proposal is submitted to the President under paragraph (3)(A) (or under paragraph (5), as the case may be).

“(ii) LIMITATION ON JUDICIAL REVIEW.—The publication under clause (i) of a final proposal of the Board does not constitute final agency action for purposes of section 704 of title 5, United States Code.”; and

(C) in paragraph (3)(B), by striking clause (ii) and inserting the following new clause: