bill 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.

AMENDMENT NO. 3170

At the request of Mr. PRYOR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3170 intended to be proposed to H.R. 3590, a bill 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.

AMENDMENT NO. 3173

At the request of Mr. MERKLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3173 intended to be proposed to H.R. 3590, a bill 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.

AMENDMENT NO. 3185

At the request of Mr. BROWN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KIRK) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3185 intended to be proposed to H.R. 3590, a bill 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.

AMENDMENT NO. 3203

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of amendment No. 3203 intended to be proposed to H.R. 3590, a bill 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.

AMENDMENT NO. 3228

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 3228 intended to be proposed to H.R. 3590, a bill 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.

AMENDMENT NO. 3240

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 3240 intended to be proposed to H.R. 3590, a bill 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.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

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; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I rise today to introduce critical forest legislation for my home State of Oregon.

For too many decades, Oregon has been at war with itself over the fate of one of our most abundant—and most threatened—resources, our forests.

Nowhere has the negative impact of this battle been greater than in Oregon's eastside forests.

Over-logging and disastrous fire suppression policies of the past gave way over time to excessive litigation and gridlock.

With each passing month, our inability to take action, our inability to address the needs of Oregon's declining forests means that they are growing more at risk of preventable fire and disease.

With each passing month and each attempted timber sale and threatened lawsuit, the relationship between the environmental community and the timber industry has grown increasingly bitter.

Each side in these disputes has thoroughly armed itself politically enough to survive, but never enough to succeed.

The end result is that today, across Oregon's Federal forest landscape, we have around 9.5 million acres of choked, at-risk forest in desperate need of management, and millions of acres of old growth, species habitat, and watersheds face an uncertain future.

Unless something fundamental changes, that number and that peril will grow, not shrink, in coming years.

Today, good and decent people on both sides of these difficult issues have come together with me to craft legislation that will bring peace, jobs, and a healthier tomorrow to 8.3 million acres of Federal forest in eastern and central Oregon.

Today, for the first time in memory, timber executives are standing shoulder-to-shoulder with leaders of the Oregon environmental community to take shared responsibility for saving our endangered forests.

These folks have been a part of negotiations with my office for over 8 months, and have made difficult concessions in order to save our threatened Eastside forests.

Today in eastern Oregon we are down to only a small handful of surviving mills. Without far greater certainty of supply and an immediate increase in merchantable timber, more mills will close.

If that happens our Eastside forests will pay the price.

Without mills to process saw logs and other merchantable material from forest restoration projects, there will be no restoration of our Eastside forests.

The folks my office worked with to come to an agreement set aside their differences and found common ground that will prevent that from happening.

The legislation that we are rolling out today, the Oregon Eastside Forests Restoration, Old Growth Protection and Jobs Act of 2009, will provide an immediate supply of logs in the short term to jump-start restoration efforts and keep our timber mills alive.

Job One must be saving our remaining forest management infrastructure in central and eastern Oregon while preserving our old growth and watersheds.

Over the long term—in 3 years from its passage to be precise—this legislation will also provide the long-term certainty required to restore each of the six Eastside national forests, protect our most sensitive environmental assets, and restore countless jobs to rural communities.

I want to make clear that the road ahead is likely to see some challenges. Our coalition will be tested. But I have great faith that the decent people who helped to put this bill together will honor the components of this agreement and will fight to preserve its many elements as we move through the process.

I also want to point out that none of our efforts will succeed unless Oregon Federal forests are also adequately funded to properly manage and restore these valuable Federal assets.

Together, we have entered a partnership that goes beyond the four corners of this legislation. Together, as a team, we will fight for the funding to put our people back to work and restore the health of our forests.

Together, we have demonstrated something that I think my colleagues here in the Senate will appreciate: working together on a difficult issue is not only possible, it yields far greater results than working apart.

Later today, and tomorrow, I will be sitting down with key members of the Obama administration and the timber industry so that the administration can better understand the peril and opportunity in Oregon's Eastside forests. This is a united front that has not been witnessed by a White House since the onset of the timber wars.

It is my hope we will learn to work together, we will develop real trust, and that we will use these new experiences to tackle the difficult issues that await us on the west side of the Cascades.

I also want to single out a few individuals who have endured thousands, of hours of difficult work and negotiations to reach this point: John Shelk, president of Ochoco Lumber; Andy Kerr; the American Forest Resource Council, represented by Heath Heikkila and Tom Partin, who spearheaded negotiations.

I also want to recognize others that joined me earlier today to rollout this legislation Tim Lillebo with Oregon Wild; Tom Insko with Boise Cascade;

Mary Scurlock, with Pacific Rivers Council; Randi Spivak, with the National Center for Conservation Science and Policy; Ben Bendick with the Nature Conservancy; and Bob Irvin with Defenders of Wildlife.

I also want to recognize back in the State, their colleagues that could not join me earlier today; Rick Brown with Defenders of Wildlife, Joseph Vaile of Klamath Siskiyou Wildlands Center, Steve Pedry with Oregon Wild, and Michael Powelson with the Nature Conservancy, as well as the other members and mill owners of AFRC.

I want to thank my staff, Michele Miranda, Mary Gautreaux, and Josh Kardon, who gave their nights and weekends to get us to this point.

I am proud to introduce this legislation today, and I am going to keep working with all the folks in my State who are willing to talk in good faith about restoring our eastside forests.

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By Mrs. FEINSTEIN (for herself and Mr. MERKLEY):

S. 2899. A bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to provide incentives for the development of solar energy; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Renewable Energy Incentive Act of 2009, which is cosponsored by Senator JEFF MERKLEY.

This act would extend, expand, and improve existing tax incentives and grant programs for renewable energy, especially for solar energy.

Provisions of this act are widely supported by public power utilities, environmental groups, renewable energy companies, renewable energy industry associations, and labor unions.

These include, for example: the American Public Power Association; the Solar Energy Industries Association; the Los Angeles Department of Water and Power; the Northern California Power Agency; the Southern California Public Power Agency; the Large Public Power Council, LPPC; solar companies including Brightsource, Solyndra, Tessera Solar, and Stirling Energy Systems and many others.

First, the bill would allow renewable energy companies to claim grants from the Treasury department, in lieu of renewable energy tax credits, through 2012 instead of 2010.

Second, it would permit public power utilities to claim these same Treasury Grants.

Third, it expands the solar investment tax credit to include manufacturing equipment and solar water heaters for commercial and community pools.

Finally, it establishes a new tax credit for solar companies who consolidate and develop disturbed private land instead of developing our more pristine public lands.

The most significant provision in this bill would extend the Treasury Grants Program established in the stimulus by two years, allowing renewable energy developers to continue claiming these grants.

Section 1603 of the American Recovery and Reinvestment Act established ''payments in lieu of tax credits for specified energy property'' in order to support renewable energy development.

The program allows renewable energy developers to take grants, or payments, from the Treasury department instead of claiming tax credits in order to help build projects that require a great deal of capital upfront.

The provision has reduced the impact of the financial crisis on renewable energy development.

Before the grants program was established, most renewable energy developers had to partner with profitable banks, or ''tax equity partners,'' in order to take advantage of renewable energy tax incentives.

These big financial institutions would apply tax credits against their large profits, taking a cut for themselves along the way.

But in 2008, when financial sector profits sank, the $8 billion ''tax equity'' market largely evaporated.

Renewable energy development ground to a halt because developers could not find tax equity partners.

Major players in the space, such as AIG and Lehman Brothers, disappeared. The banks that still had profits began demanding a much higher cut.

That's when Congress stepped in.

The stimulus created the Treasury Grants, which allow developers to claim their tax benefits directly, instead of partnering with profitable banks.

The U.S. wind industry installed 1,649 megawatts of new capacity in the third quarter of this year alone, a boost from the previous two quarters and in excess of 2008 levels. Experts credit the Treasury grants program.

Solar is also getting back on track. For instance, SunEdison used a Treasury grant in lieu of tax credits to accelerate construction of an 18 megawatt photovoltaic array—one of the largest in the U.S.

The firm's CEO told the press: ''That could not have been done without this program.''

The Treasury program is also allowing renewable energy developers to attract significantly more debt backing for projects than would otherwise be possible, according to recent statements by the managing director of energy investments at J.P. Morgan Capital.

But the grants program is set to expire in 2010, far before most utility scale solar projects will begin construction or financial analysts predict tax equity markets will recover.

If the grant program is not extended, bank profits will again become the limiting factor on renewable energy development in the U.S., and that makes no sense.

That is why I propose to extend the program two years.

This legislation would also level the playing field between public power and for-profit companies by allowing public power utilities to receive Treasury Grants for renewable energy projects.

Public power utilities serve 45 million American consumers, but they are currently prohibited from receiving grants for their renewable energy development.

The basis for this prohibition is that public power utilities are tax exempt, non-profit corporations owned by local governments, who therefore have not been able to claim tax credits directly on their income tax returns.

But excluding public power from the grants program does not make sense.

Congress created the Treasury grants program specifically to assist firms that lacked the ability to claim the full benefits of renewable energy tax incentives.

If we are going to allow for-profit companies to claim these direct grants, why would we exclude our non-profit public power utilities?

So leveling the playing field for public power is fair.

This provision is also necessary to protect our local community utility companies who want to deploy renewable energy.

The federal grants make building renewable energy projects cost effective for rate payers.

Because public power utilities lack access to these grants, they are now frequently establishing complex financial arrangements with private developers in order to build renewable energy projects that qualify for federal help.

This is in direct conflict with public power's historic, proven business model as a vertically integrated, non-profit.

It requires our cities and towns to negotiate unnecessarily complex deals with Wall Street.

Let me give you an example.

Turlock Irrigation District, TID, a public power utility in my state, decided to build a 137 megawatt wind farm in 2007.

They wanted to build and own.

But to make it cost effective, Turlock signed a contract to buy the power, but a tax equity partner would ''own'' the project and receive the benefit of the federal production tax credit.

The contract was extremely complex and costly, requiring the participation of an investment bank to find a tax equity partner, an equity group to be the tax equity partner, legal counsel for the equity group, experts to provide risk advice and engineering advice to the equity group; bond counsel to provide renewable asset specialists; an operator to run the plant for the equity group; and an asset manager, to advise the equity group on the performance of the operator.

After 2 years and millions of dollars spent trying to finalize this deal,

Turlock learned that the supposedly profitable equity partner, American International Group, AIG, wasn't profitable at all.

AIG backed out and the entire deal collapsed.

After much analysis, Turlock Irrigation District decided to own and operate the wind farm, giving up on receiving any Federal support.

Larry Weis, the General Manager, explained in a letter to me:

The bottom line is that TID made a business decision to forego working with a private developer to develop a project, because the complexity of the deal and the dollars spent to arrange it meant that much of the value of the tax credit would go to the equity partners and not pass through to our consumers. Given the facts and the absence of a comparable incentive for consumer-owned utilities, TID made the best choice it could under the circumstances, even though it means our customers will pay more.

This legislation is necessary to prevent other public power utilities from being forced to make this difficult, unnecessary choice.

Public power utilities deserve access to renewable energy incentives comparable to those awarded to the private sector, and this legislation will assure that happens.

This legislation also expands the solar investment tax credit to include manufacturing equipment and solar water heaters for commercial and community pools.

The bill would allow equipment that makes solar panels to qualify for the 30 percent solar investment tax credit.

Solar panel manufacturing is moving offshore, to Germany and Asia, where support is considerable.

This financial incentive could jumpstart solar manufacturing in this country, and could lead to thousands of new jobs, such as those being created at Solyndra's new factory in Fremont, CA. Or those proposed by Applied Materials at their proposed facility near Los Angeles.

The bill would allow commercial pool solar hot water heaters to qualify for the solar tax credit.

Approximately 189,000 commercial pools nationwide—at hotels/motels, health clubs, and schools—use fossil fuel or electricity to heat an estimated 27 billion gallons of water.

If the heating systems were replaced with solar hot water systems, there would be 1.23 million metric tonnes of carbon dioxide emissions avoided annually.

That is the equivalent of taking 237,000 cars off the road.

In California, which has 26 percent of all commercial pools in the U.S., this provision could significantly reduce pollution.

Finally, the legislation would establish a new tax credit for the purchase, consolidation, and use of multiple, 100 acre or less blocks of high solarity, disturbed private lands for solar development.

Solar developers have focused development proposals on pristine public land because it is very difficult, costly, and time intensive to consolidate large blocks of disturbed private land from many different owners.

This tax credit will financially reward those firms that are willing to go through the trouble of land consolidation, thereby making the increased burden of private lands development more appealing.

Over the last few years, the renewable energy industry has grown dramatically.

Last year the U.S. added more new capacity to produce renewable electricity than it did to produce electricity from natural gas.

A great deal of this growth can be attributed to our renewable energy tax policies.

This legislation, I believe, would continue this growth into the future.

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By Ms. COLLINS (for herself, Mrs. MCCASKILL, and Mr. BENNETT):

S. 2901. A bill to improve the acquisition workforce through the establishment of an acquisition workforce fellows program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, along with Senators MCCASKILL and BENNETT, I rise to introduce two bills that would lay a strong foundation to improve the Federal acquisition system.

The first bill, the Acquisition Workforce Improvement Act of 2009, would create a federal acquisition management fellows program to develop a new generation of acquisition leaders with government-wide perspective, skills, and experience.

The second bill, the Federal Acquisition Institute Improvement Act of 2009, would institute much-needed organizational clarity to enable the Federal Acquisition Institute, FAI, to fulfill its mission of facilitating career development and strategic human capital management for the federal acquisition workforce.

The federal acquisition system is under tremendous stress. Between fiscal years 2000 and 2008, acquisition spending by the Federal Government expanded by 163 percent, from $205 billion to $539 billion. The rising costs of military operations, natural disasters, homeland security precautions, and other vital programs will drive those expenditures to even higher levels in the years ahead.

This prodigious level of purchasing creates abundant opportunities for fraud, waste, and abuse. We have seen far too many outrageous failures in government contracting, such as unusable trailers for hurricane victims, shoddy construction of schools and clinics in Afghanistan, or the installation of showers in Iraq for our troops that pose electric-shock hazards. These and other failures demand strong steps to protect taxpayer dollars and deliver better acquisition outcomes.

As a long-time advocate for stronger competition, accountability, and transparency in government contracting, I recognize and appreciate the steps the administration has taken recently to improve Federal contracting. Many of these initiatives originated from legislation I co-authored with Senator LIEBERMAN during the last Congress.

But no matter how many laws we pass or OMB guidance documents are issued, the effectiveness of our Federal acquisition system depends on a vital human component—the acquisition workforce.

While contract spending has risen dramatically, the number of acquisition professionals who help plan, award, and oversee these contracts has been stagnant. With roughly half of the current acquisition workforce eligible to retire over the next decade, the difficulties of strengthening that workforce will become increasingly acute. A well-trained and well-resourced acquisition workforce is critical to keeping pace with increased Federal spending and much more complex procurements of services and goods.

The two pieces of legislation I am introducing today would help to address these important long-term problems that we must solve to make our acquisition system healthy again.

First, the Acquisition Workforce Improvement Act of 2009 would create a centrally-managed Government-wide Acquisition Management Fellows Program that combines both a Master's degree-level academic curriculum and on-the-job training in multiple federal agencies. By partnering with leading universities that have specialized government acquisition programs, the government can attract top-caliber students who are interested in pursuing both academic advancement and public service.

Compared to the several existing agency-specific intern programs, this government-wide program would provide a unique and much-needed skill set that we currently do not have in sufficient number, that is, acquisition professionals with multi-agency and multi-disciplinary training who can understand and manage government-wide acquisition needs and perspectives.

Considering that interagency acquisition now accounts for approximately 40 percent of the entire contract spending and that GAO has designated the management of interagency contracting a high-risk area since 2005, it is without question that we need to develop future acquisition leaders who can understand government-wide needs and perspectives.

Specifically, the program would include the following: one academic year of full-time, on-campus training followed by 2 years of on-the-job and part-time training toward a Masters or equivalent graduate degree in related fields; and a curriculum that would include rotational assignments at three or more executive agencies covering, among other issues, acquisition planning, cost-estimating, formation and

post-award administration of ''high risk'' contract types, and interagency contracts.

Upon graduation, participants will have completed all required non-agency-specific training courses necessary for a basic contracting officer warrant.

In addition, participants would be required to enter into a service commitment appropriate in length to ensure the Federal Government receives a proper return on its investment. The service commitment would be no less than one year for each year in the program, and would require reimbursement of funds for those who do not successfully complete the program or do not fulfill the minimum service requirements.

It is also important to note that this program would be less expensive than its current alternative. Typically, existing agency career intern programs like those run by DHS or GSA hire interns at GS–5, –7, or –9 level, which pays between $33,000 and $66,000, for Washington, DC area. These interns also receive benefits and free training during this internship period.

The proposed program would not pay salaries during the training, but unlike the other programs, would award a graduate degree. Based on market research, this alternative money-saving arrangement would be able to attract top-notch candidates with both public and academic interests.

Second, the Federal Acquisition Institute Improvement Act of 2009 would strengthen the Federal Acquisition Institute, FAI, whose key responsibilities are to promote career development and strategic human capital management for the entire civilian acquisition workforce.

In part due to the lack of organizational clarity and the disproportionate funding compared to its counterpart in the Department of Defense, the FAI has remained largely underutilized.

The proposed legislation would establish a clear line of responsibility and accountability for the Institute by requiring that the Federal Acquisition Institute, through its Board of Directors, directly reports to the Office of Federal Procurement Policy; the director of FAI be appointed by the OFPP Administrator and report directly to the Associate Administrator for Acquisition Workforce at OFPP.

All existing civilian agency training programs fall under the purview of FAI. This would ensure consistent training standards necessary to develop uniform core competencies; and the OFPP Administrator would be required to report annually to Congressional committees of jurisdiction projected budget needs and expense plans of FAI to fulfill its statutory mandate.

With respect to its core government-wide functions, FAI would be required to provide and keep current government-wide training standards and certification requirements including—ensuring effective agency implementation of government-wide training and certification standards; analyzing the curriculum to ascertain if all certification competencies are covered or if adjustments are necessary; developing career path information for certified professionals to encourage retention in government positions; and coordinating with the Office of Personnel Management for human capital efforts.

The administration has identified acquisition workforce development as a pillar for improving acquisition practices and contract performance. While I fully agree with this goal, we need specific and concrete action to solve this problem. It is also important to remember that it took the better part of two decades for the acquisition workforce to reach its current state and that it will likely take a similar amount of time to rebuild.

My legislation would prompt the sustained effort necessary to rebuild the acquisition workforce. While this will take time and investment, I am confident this is a wise investment that will yield substantial returns. Just think about it, if our better-trained acquisition professionals can prevent one failed procurement, it can save the taxpayer hundreds of millions of dollars. If they can avoid overpaying one percent of our contract spending, it will save the taxpayer more than 5 billion each year. The numbers speak for themselves.

The Acquisition Workforce Improvement Act and the Federal Acquisition Institute Improvement Act are critically needed and both enjoy bipartisan support. I encourage my colleagues to support them.

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By Mr. FRANKEN (for himself, Ms. SNOWE, Mr. KERRY, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. MENENDEZ, Mr. DURBIN, Mrs. GILLIBRAND, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. MCCASKILL, Mr. HARKIN, and Mr. SCHUMER);

S. 2904. A bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities; to the Committee on Armed Services.

Mr. FRANKEN. Mr. President, the Compassionate Care for Servicewomen Act, which I am introducing today with my friend and colleague, Senator SNOWE, is a straightforward but vital piece of legislation. It would ensure that servicewomen in our military have reliable and timely access to emergency contraception when they need it.

Emergency contraception, or Plan B as it is more commonly known under its brand name, is Food and Drug Administration-approved medication that prevents pregnancy. It is safe and, if taken shortly after pregnancy, highly effective. Since 2006, the FDA has approved it for over-the-counter sale. Currently, women 17 years old and older may purchase emergency contraception over the counter, while those younger require a prescription.

Emergency contraception is widely available at pharmacies throughout the U.S.

The problem this legislation is meant to address is that there's no guarantee that emergency contraception be available to our servicewomen in the military. The military health care system includes what is called a basic core formulary, which lists the medications that must be stocked at all Department of Defense medical facilities, including those overseas. Emergency contraception is not currently on the basic core formulary.

Consequently, emergency contraception is not systematically and reliably available at all medical military facilities. It is allowed to be stocked at such facilities, so it is available in some places. In that regard, the bill that Senator SNOWE and I are introducing today is not a dramatic departure from existing practice.

But there is no guarantee that a servicewoman will have access to it. Immediate accessibility is especially important in the case of emergency contraception because it is only effective if taken within a short window of time. Once a pregnancy is established, it doesn't work.

There is no good reason why servicewomen shouldn't have the same access to emergency contraception that civilians here in the U.S. have.

That is just what this legislation would do. It would guarantee that all military health care treatment facilities stock emergency contraception by placing that medication on the basic core formulary.

All servicewomen should be able to have access to emergency contraception in order to prevent unwanted pregnancy. The fact that more than 2,900 sexual assaults were reported last year in the military only heightens the need to ensure emergency contraception is always available.

This is legislation that has been endorsed by a wide range of organizations both in Minnesota and nationally.

I hope that my colleagues will join me in supporting this commonsense legislation. I thank Senator SNOWE for joining me in introducing this bill, and I thank all my colleagues who have signed on as cosponsors.

Mr. President, I ask unanimous consent that the text of the bill and a list of supporters be printed in the RECORD.

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

S. 2904

*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 ''Compassionate Care for Servicewomen Act''.

**SEC. 2. REQUIREMENT TO MAKE AVAILABLE EMERGENCY CONTRACEPTION AT ALL MILITARY HEALTH CARE TREATMENT FACILITIES.**

Section 1074g(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(9)(A) Emergency contraception in drug form shall be included on the basic core formulary of the uniform formulary, notwithstanding any provision of law or regulation requiring that only drugs ordered or prescribed by a physician (or other authorized provider) may be included in the uniform formulary. Emergency contraception in other than drug form may also be included on the basic core formulary, notwithstanding any such provision.

''(B) Nothing in subparagraph (A) may be construed to require emergency contraception to be covered under the pharmacy benefits program.

''(C) Notwithstanding paragraph (4), prior authorization shall not be required for emergency contraception. Nothing in the preceding sentence may be construed as waiving any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or any other provision of law administered by the Food and Drug Administration, including rules and orders of such Administration in effect at any time under such Act or other provisions of law.

''(D) In this paragraph, the term 'emergency contraception' means a drug, drug regimen, or device that is—

''(i) approved by the Food and Drug Administration to prevent pregnancy; and

''(ii) used postcoitally.''.

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MINNESOTA AND NATIONAL ORGANIZATIONS THAT HAVE ENDORSED THE COMPASSIONATE CARE FOR SERVICEWOMEN ACT

MINNESOTA

NARAL Pro-Choice Minnesota
Minnesota Nurses Association
Minnesota Medical Association
Planned Parenthood Minnesota, North Dakota, South Dakota
Minnesota Indian Women's Sexual Assault Coalition
Minnesota Coalition Against Sexual Assault
Sexual Violence Center
Minnesota National Organization for Women
Pro Choice Resources
Midwest Health Center for Women
Religious Coalition for Reproductive Rights

NATIONAL

NARAL Pro-Choice America
SWAN: Servicewomen's Action Network
National Council of Women's Organizations (NCWO)
National Partnership for Women and Families
Women's Research & Education Institute (WREI)
American Association of University Women
National Coalition against Domestic Violence
American Civil Liberties Union
American College of Obstetricians and Gynecologists
American Association of University Women
American Society for Reproductive Medicine
Center for Reproductive Rights
National Council of Jewish Women
National Family Planning & Reproductive Health Association (NFPRHA)
National Organization for Women
National Partnership for Women & Families
Planned Parenthood Federation of America
Population Connection
Religious Coalition for Reproductive Choice
Reproductive Health Technologies Project
Speaking Out Against Rape (SOAR)
National Women's Law Center
National Research Center for Women and Families

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By Mr. INOUYE:

S. 2905. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I rise to introduce legislation to repeal the current 50 percent tax deduction for business meals and entertainment expenses, and to restore the tax deduction to 80 percent for all taxpayers. In 1986, the Congress reduced the allowable tax deduction for business meals and entertainment from 100 percent to 80 percent. In 1993, the Congress again reduced the deduction to 50 percent. Restoration of this deduction is essential to the livelihood of small and independent businesses as well as the food service, travel, tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of the 50 percent tax deduction.

At a time when the nation is getting back on a stronger economic footing, the legislation is particularly critical especially for the small businesses and self-employed individuals that depend so heavily on the business meal to conduct business. Small companies often use restaurants as ''conference space'' to conduct meetings or close deals. Meals are their best, and sometimes only, marketing tool. Certainly, an increase in the meal and entertainment deduction would have a significant impact on a small businesses bottom line. In addition, the effects on the overall economy would be significant.

Accompanying my statement is the National Restaurant Association's, NRA, State-by-State chart reflecting the estimated economic impact of increasing the business meal deductibility from 50 percent to 80 percent. The NRA estimates that an increase to 80 percent would increase business meal sales by $6 billion and create an $18 billion increase to the overall economy.

I urge my colleagues to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and a State-by-State chart be printed in the RECORD.

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

S. 2905

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.**

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking ''50 percent'' and inserting ''80 percent''.

(b) CONFORMING AMENDMENT.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(c) CLERICAL AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking ''ONLY 50 PERCENT'' and inserting ''PORTION''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

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ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%

| State | Increase in Business Meal Spending 50% to 80% Deductibility (in millions) | Total Economic Impact In the State (in millions) | Total Employment Impact In the State (number of jobs created) |
|---|---|---|---|
| Alabama | $77 | $155 | $2,464 |
| Alaska | 17 | 29 | 401 |
| Arizona | 118 | 235 | 3,125 |
| Arkansas | 43 | 87 | 1,451 |
| California | 767 | 1,797 | 20,868 |
| Colorado | 114 | 264 | 3,328 |
| Connecticut | 71 | 133 | 1,624 |
| Delaware | 19 | 35 | 402 |
| District of Columbia | 31 | 43 | 254 |
| Florida | 368 | 745 | 9,746 |
| Georgia | 193 | 446 | 5,642 |
| Hawaii | 44 | 86 | 1,154 |
| Idaho | 24 | 47 | 799 |
| Illinois | 256 | 610 | 7,207 |
| Indiana | 117 | 241 | 3,712 |
| Iowa | 47 | 95 | 1,544 |
| Kansas | 46 | 92 | 1,314 |
| Kentucky | 78 | 158 | 2,266 |
| Louisiana | 81 | 158 | 2,374 |
| Maine | 24 | 46 | 709 |
| Maryland | 113 | 235 | 2,750 |
| Massachusetts | 161 | 324 | 3,884 |
| Michigan | 171 | 341 | 5,272 |
| Minnesota | 105 | 240 | 3,270 |

ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%—Continued

| State | Increase in Business Meal Spending 50% to 80% Deductibility (in millions) | Total Economic Impact In the State (in millions) | Total Employment Impact In the State (number of jobs created) |
|---|---|---|---|
| Mississippi | 41 | 78 | 1,340 |
| Missouri | 115 | 256 | 3,512 |
| Montana | 20 | 39 | 682 |
| Nebraska | 31 | 64 | 1,048 |
| Nevada | 71 | 127 | 1,703 |
| New Hampshire | 29 | 53 | 653 |
| New Jersey | 170 | 367 | 4,139 |
| New Mexico | 37 | 66 | 1,079 |
| New York | 379 | 751 | 8,855 |
| North Carolina | 176 | 371 | 5,435 |
| North Dakota | 11 | 20 | 333 |
| Ohio | 217 | 466 | 6,978 |
| Oklahoma | 60 | 127 | 2,016 |
| Oregon | 82 | 169 | 2,274 |
| Pennsylvania | 212 | 478 | 6,311 |
| Rhode Island | 24 | 45 | 598 |
| South Carolina | 87 | 179 | 2,689 |
| South Dakota | 14 | 27 | 458 |
| Tennessee | 121 | 272 | 3,531 |
| Texas | 477 | 1,164 | 14,109 |
| Utah | 41 | 92 | 1,375 |
| Vermont | 11 | 19 | 288 |
| Virginia | 157 | 331 | 4,155 |
| Washington | 129 | 279 | 3,419 |
| West Virginia | 28 | 47 | 830 |
| Wisconsin | 100 | 210 | 3,399 |
| Wyoming | 10 | 16 | 293 |

Source: National Restaurant Association estimates, 2009.

By Mr. FEINGOLD (for himself, Mr. MCCAIN, and Mr. LIEBERMAN):

S.J. Res. 23. A joint resolution disapproving the rule submitted by the Federal Election Commission with respect to travel on private aircraft by Federal candidates; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, the very first bill debated on the floor of the Senate after the 2006 elections was S. 1, the Honest Leadership and Open Government Act of 2007, HLOGA. About 9 months later, President Bush signed that bill into law as Public Law Number 110–81. It was the most sweeping ethics reform legislation since Watergate, and it passed both houses of Congress by a wide margin—the final votes were 411–8 in the House and 83–14 in the Senate.

The new law contained, among many other provisions, significant reforms to the lobbying disclosure laws, a tough new prohibition on gifts from lobbyists, improvements to the revolving door rules, and new restrictions on privately funded fact-finding trips. It also contained new rules on personal, official, and campaign travel on non-commercial aircraft, often known as ''corporate jets.'' Prior to HLOGA, members who flew on corporate jets, often accompanied by corporate lobbyists, were required to reimburse the owner of the aircraft only the amount that they would have paid to fly first class between the origin and destination of the flight. HLOGA provided that Senators and presidential candidates would have to reimburse such travel at the charter rate. House members were prohibited from flying on non-commercial aircraft altogether.

Because Senators travel in different capacities, HLOGA addressed the issue in separate sections. Section 544(c) of the bill amended the Senate Rules XXXV and XXXVIII to address official and personal travel by Senators. The House had already amended its rules at the very beginning of the year. Section 601 dealt with campaign travel for both House and Senate candidates by amending the Federal Election Campaign Act, ''FECA''.

Both the House and the Senate have been living under these new rules for over two years. No House member has flown on a corporate jet, as far as we know. Senators, whether they were traveling in personal, official, or campaign capacity, and regardless of who was paying for the trip, have flown on them only if they were prepared to pay the charter rate for these trips. Presidential candidates in the last campaign abided by the new rules as well.

Because HLOGA made amendments to the FECA on this issue, the FEC started a rulemaking shortly after its enactment to implement the new provision. But at the end of 2007, just as the agency was poised to put new regulations in place, the terms of several recess-appointed Commissioners expired. A stalemate ensued that left the agency without a quorum to do business until the summer of 2008. Once a full slate of Commissioners was in place, the agency deadlocked on issuing final regulations. The three new Republican commissioners refused to sign off on the rules that the Commission had been prepared to adopt in December 2007. The deadlock was resolved only a few weeks ago, when a Democratic Commissioner reluctantly agreed to go along with modifications that the Republicans proposed. See Statement of Chairman Steven T. Walther, Campaign Travel Regulations, Nov. 19, 2009. The new rule was published in the Federal Register on December 7, 2009. Federal Election Commission, Notice 2009–27, Campaign Travel, 74 Fed. Reg. 63951, Dec. 7, 2009.

I will put this as simply as I can. The new FEC rule relating to travel on non-commercial aircraft is an outrage. Rather than respecting the intent of Congress in HLOGA to address all travel on corporate jets by members of Congress and presidential candidates, the FEC has carved a loophole in the statute for travel by candidates on behalf of someone other than their own campaigns. No one in the House or the Senate contemplated this exception when the bill was passed. No one discussed it. No one considered it. The FEC just made it up. Now we in Congress have no choice but to take action to correct it if the FEC refuses to do so.

We cannot let a lawless agency undermine our effort to police ourselves, to end a practice that exposed Congress to public criticism and even ridicule. Some Senators and House members may have agreed to kick the corporate jet habit reluctantly, but they have learned to live with it. There is no need for the loophole the FEC has opened. It is contrary to the statutory language and to the legislative history. It must be closed.

So today, I will introduce, along with my colleagues from Arizona, Connecticut, and New York, Senators MCCAIN, LIEBERMAN, and SCHUMER, all of whom played a key role in the enactment of HLOGA, a resolution of disapproval under the Congressional Review Act. This resolution, if passed by the House and signed by the President, will send the FEC back to the drawing board. After a rebuke of this kind, one can only hope that the Commission will craft a regulation that does not so completely ignore the letter and spirit of the provision we passed in HLOGA.

Let me take a minute to explain what the FEC has done and what it must do to correct its error. The new regulation takes the position that the key fact in determining what rate must be paid for a corporate jet flight is not who is flying, but who is paying for the flight. The explanation and justification, ''E&J'', adopted by the commission states:

[W]hen a presidential, vice-presidential, or Senate candidate, or a representative of the candidate, is traveling on behalf of another

political committee (such as a political party committee or Senate leadership PAC, rather than on behalf of the candidate's own authorized committee, the reimbursement for that travel is the responsibility of the political committee on whose behalf the travel occurs. If the political committee is other than an authorized committee or House candidate's leadership PAC, then the appropriate reimbursement rate for that political committee is set forth in new 11 CFR 100.93(c)(3), discussed below. In such cases, the presidential, vice-presidential, or Senate candidate or candidate's representative, is treated the same as any other person traveling on behalf of the political committee.

74 Fed. Reg. at 63955. That rate for such a trip, under an FEC regulation promulgated in 2003, is the first class rate unless regularly scheduled commercial air service is not available between the origin and the destination of the flight. The E&J also reiterates that leadership PACs of Senators and Presidential candidates can continue to pay the first class rate, even for the candidates themselves.

In addition, although House leadership PACs are prohibited from taking advantage of this loophole, the E&J makes clear that House candidates can do so if they are traveling on behalf of a political party committee or a Senate or presidential candidate, even though they are otherwise completely prohibited from traveling on a corporate jet. The loophole seems to apply to House members even if they are traveling on behalf of a corporate PAC.

In a recent article in the Capitol Hill newspaper Roll Call, FEC Commissioner Matthew Peterson attempted to explain the FEC's decision. He argues that the loophole is compelled by the statutory language, which is structured to prohibit an expenditure for any flight by a Senate candidate or the candidate's authorized committee unless the charter rate is paid for that flight. This interpretation ignores specific language in section 601 that requires payment of the charter rate by ''the candidate, the authorized committee, or other political committee'' and the lack of any language in the statute or the legislative history suggesting that Congress meant to leave open a way for Senators to travel on corporate jets without paying the charter rate.

Moreover, it ignores the clear intent of the two provisions of HLOGA concerning travel on private aircraft—to prohibit all corporate jet flights by Senators unless the charter rate is paid. There are literally more than a dozen statements by supporters of the bill that make this intent clear. The FEC chose to ignore the clear purpose of the bill in favor of a strained interpretation of the statutory language that flies in the face of that purpose. That is unacceptable. The FEC's duty is to implement the statute as Congress intended it. Its job is to give guidance to candidates and others who want to follow the law, not to provide a roadmap for evading it.

For the convenience of my colleagues, my staff has collected statements from the floor debate on HLOGA that show beyond any doubt that the corporate jet provisions were intended to apply to all travel on corporate jets by Senators without regard to who is reimbursing the jet owner. One Senator said the following:

I understand that for many Members, these jets are an issue of convenience. They allow us to get home to our constituents, to our families, and to the events that are often necessary for our jobs. But in November, the American people told us very clearly they are tired of the influence special interest wields over the legislative process. The vast majority of Americans can't afford to buy cheap rides on corporate jets. They don't get to sit with us on 3-hour flights and talk about the heating bills they can't pay, or the health care costs that keep rising, or the taxes they can't afford, or their concerns about college tuition. They can't buy our attention, and they shouldn't have to. And the corporation lobbyists shouldn't be able to either. That is why we need to end this corporate jet perk if we are to pass real, meaningful ethics reform.

Cong. Rec. at S263, Jan. 9, 2007. The speaker of those words, which make plain that the intent of the provision was to completely eliminate subsidized travel on corporate jets, was then-Senator Barack Obama. This strongly suggests that the President of the United States will sign the resolution of disapproval once we pass it.

Notwithstanding my strong feelings about the part of the FEC rule I have just discussed, significant portions of the rule are unexceptional. The intent of this resolution of disapproval under the Congressional Review Act is solely to reverse the FEC's decision to open a loophole in the requirements for corporate jet travel by members of Congress and their staffs. So we do not intend to disable the FEC from putting out a new regulation, only from including a gaping loophole in it.

I note this because the Congressional Review Act only allows Congress to disapprove, and therefore make ineffective, an entire regulation. It states that the agency may not promulgate a rule that is ''substantially the same'' as the old one without new congressional authorization. I want to be clear that the loophole created by the FEC's recent rule is so significant that a rule that is otherwise identical to the entire campaign travel regulation, but that does not contain the loophole that this resolution is designed to disapprove, should not be considered to be ''substantially the same'' as the previous rule, even though other portions of that rule may be re-promulgated unchanged.

The Congressional Review Act has only once been successfully used to overturn an agency regulation. Thus, there is little experience to fall back on to determine the consequences for future agency action of a successful disapproval resolution. Morton Rosenberg, a long time analyst at the Congressional Research Service, includes the following useful analysis in his 2008 assessment of the CRA:

A review of the CRA's statutory scheme and structure, the contemporaneous congressional explanation of the legislative intent with respect to the provisions in question, the lessons learned from the experience of the March 2001 disapproval of the OSHA ergonomics rule, and the application of pertinent case law and statutory construction principles suggests that (1) It is doubtful that Congress intended that all disapproved rules would require statutory reauthorization before further agency action could take place. For example, it appears that Congress anticipated further rulemaking, without new authorization, where the statute in question established a deadline for promulgating implementing rules in a particular area. In such instances, the CRA extends the deadline for promulgation for one year from the date of disapproval. (2) A close reading of the statute, together with its contemporaneous congressional explication, arguably provides workable standards for agencies to reform disapproved regulations that are likely to be taken into account by reviewing courts. Those standards would require a reviewing court to assess both the nature of the rulemaking authority vested in the agency that promulgated the disapproved rule and the specificity with which the Congress identified the objectionable portions of a rule during the floor debates on disapproval. An important factor in a judicial assessment may be the CRA's recognition of the continued efficacy of statutory deadlines for promulgating specified rules by extending such deadlines for one year after disapproval.

Congressional Research Service, Congressional Review of Agency Rulemaking: An Update and Assessment of The Congressional Review Act after a Decade, RL30116, May 8, 2008, at 30. Rosenberg notes that the fact that Congress specifically provided in the CRA for a one year extension of any statutory deadline for a rule that has been overturned by the CRA shows that Congress did not intend to disable an agency from issuing regulations on the same topic. Indeed, a Joint Explanatory Statement by the principal sponsors of the CRA in the House and Senate states the following:

The authors intend the debate on any resolution of disapproval to focus on the law that authorized the rule and make the congressional intent clear regarding the agency's options or lack thereof after enactment of a joint resolution of disapproval. It will be the agency's responsibility in the first instance when promulgating the rule to determine the range of discretion afforded under the original law and whether the law authorizes the agency to issue a substantially different rule. Then, the agency must give effect to the resolution of disapproval.

Joint Explanatory Statement of House and Senate Sponsors, 142 Cong. Rec. E 571, at E 577, daily ed. April 19, 1996; 142 Cong. Rec. S 3683, at S 3686 daily ed. April 18, 1996. It is the intent of this resolution of disapproval to invalidate the loophole that the FEC created in the E&J, but not to disable the FEC from issuing a new rule that properly implements Congress's intent in passing HLOGA.

My displeasure with the actions of the FEC over the past 7 years is well known. The agency has repeatedly failed to properly implement provisions of the Bipartisan Campaign Reform Act, BCRA, leading to its regulations being overturned by the courts numerous times. Indeed, because of the

agency's dismal record in the courts, some important BCRA regulations are still not in place 7½ years after BCRA's enactment. But the FEC's recent action on corporate jets may be its worst yet. Congress passed HLOGA with wide bipartisan support and clear intent. Because of the FEC's failure to issue rules promptly, members of Congress have been living under the terms of the statute alone with no misunderstanding of what it means. And yet, over two years after its enactment, the FEC has now created an unnecessary and wholly unjustified loophole in the statute. Congress must act to correct this egregious mistake.

I urge my colleagues to support this resolution of disapproval.

Mr. President, I ask unanimous consent that a collection of quotations concerning corporate jet provisions of HLOGA be printed in the RECORD.

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

SELECTED STATEMENTS CONCERNING TRAVEL ON CORPORATE JETS FROM 2007 DEBATE ON HLOGA

Sen. Reid, 1/4/2007

Another critical aspect requiring reform is the ability of a Member to travel on a corporate jet and only pay the rate of a first class plane ticket. This bill requires Senators and their employees who use corporate or charter aircraft to pay the fair market value for that travel. While I appreciate that such a change is not popular with some of my colleagues, the time has come to fundamentally change the way we do things in this town. Much of the public views our ability to travel on corporate jets, often accompanied by lobbyists, while only reimbursing the first-class rate, as a huge loophole in the current gift rules. And they are right—it is. I have no doubt that the average American would love to fly around the country on very comfortable corporate-owned aircraft and only be charged the cost of a first-class ticket. It is a pretty good deal we have got going here. We need to face the fact that the time has come to end this Congressional perk. [Cong. Rec. S186]

Sen. Obama, 1/9/2007

The second area in which we need to go further is corporate jets. Myself and Senator Feingold introduced a comprehensive ethics bill that, among other things, would close the loopholes that allow for subsidized travel on corporate jets. Today, I am very pleased to see the majority leader has offered an amendment that would serve the same purpose. I fully support him in his effort.

Let me point out that I fully understand the appeal of corporate jets. Like many of my colleagues, I traveled a good deal recently from Illinois to Washington, from Chicago to downstate, from fundraisers to political events for candidates all across the country. I realize finding a commercial flight that gets you home in time to tuck in the kids at the end of a long day can be extremely difficult. This is simply an unfortunate reality that goes along with our jobs.

Yet we have to realize these corporate jets don't simply provide a welcome convenience for us; they provide undue access for the lobbyists and corporations that offer them. These companies don't just fly us around out of the goodness of their hearts. Most of the time we have lobbyists riding along with us so they can make their company's case for a particular bill or a particular vote.

It would be one thing if Congressmen and Senators paid the full rate for these flights, but we don't. We get a discount—a big discount. Right now a flight on a corporate jet usually costs us the equivalent of a first-class ticket on a commercial airplane. But if we paid the real price, the full charter rate would cost us thousands upon thousands of dollars more.

In a recent USA Today story about use of corporate jets, it was reported that over the course of 3 days in November 2005, BellSouth's jet carried six Senators and their wives to various Republican and Democratic fundraising events in the Southeast. If they had paid the full charter rate, it would have cost the Democratic and Republican campaign committees more than $40,000. But because of the corporate jet perk, it only cost a little more than $8,000.

There is going to be a lot of talk in the coming days about how important it is to ban free meals and fancy gifts, and I couldn't agree more, but if we are going to go ahead and call a $50 lunch unethical, I can't see why we wouldn't do the same for the $32,000 that BellSouth is offering in the form of airplane discounts. That is why I applaud Senator Reid on his amendment to require Members to pay the full charter rate for the use of corporate jets.

As I said, I understand that for many Members, these jets are an issue of convenience. They allow us to get home to our constituents, to our families, and to the events that are often necessary for our jobs. But in November, the American people told us very clearly they are tired of the influence special interest wields over the legislative process. The vast majority of Americans can't afford to buy cheap rides on corporate jets. They don't get to sit with us on 3–hour flights and talk about the heating bills they can't pay, or the health care costs that keep rising, or the taxes they can't afford, or their concerns about college tuition. They can't buy our attention, and they shouldn't have to. And the corporation lobbyists shouldn't be able to either. That is why we need to end this corporate jet perk if we are to pass real, meaningful ethics reform. [Cong. Rec. S263–4]

Sen. Feingold, 1/9/2007

When I introduced my lobbying reform bill back in July 2005, it included a provision addressing the abuse of Members flying on corporate jets. At that time, I have to say, it seemed like a fantasy that we would actually pass such a provision. I heard complaint after complaint about it, that we shouldn't do it.

Slowly but surely, many people have come around to where the public is: Corporate jet travel is a real abuse. Sure, it is convenient, but it is based on a fiction—that the fair market value of such a trip is just the cost of a first class ticket. And when that fiction is applied to political travel, it creates a loophole in the ban on corporate contributions that we have had in this country for over a century. Any legislation on corporate jets must include campaign trips as well as official travel because one thing is for certain—the lobbyist for the company that provides the jet is likely to be on the flight, whether it is taking you to see a factory back home or a fundraiser for your campaign.

Our bill does that. It covers all of the possible uses of corporate jets, and amends all of the Senate rules needed to put in place a strong reform, and the Federal election laws as well. From now on, if you want to fly on a corporate jet, you will have to pay the charter rate. And these flights shouldn't be an opportunity for the lobbyist or CEO of the company that owns the jet to have several hours alone with a Senator. Our bill prohibits that as well. This is what the American people have been calling for. There are no loopholes or ambiguities here. Politicians flying on private planes for cheap will be a thing of the past if we can get this provision into the bill. Senator Reid's amendment includes a tough corporate jet provision. I am pleased to support that portion of the amendment. This is a big deal, and I commend the majority leader for taking this step. [Cong. Rec. S267]

Sen. Lieberman, 1/10/2007

I am also very pleased that the majority leader has included in this amendment that I referred to an additional amendment, a strong provision on the use of corporate jets. This is a controversial, difficult matter. It is an issue that Senators McCain, Feingold, Obama, and I wanted to pursue last year when we took this up essentially in its predecessor form, but we were unable to do so once cloture was reached on the bill because the amendment was determined to be nongermane.

Under current law this is the reality. When a Member of Congress or a candidate for Federal office uses a private plane instead of flying on a commercial airline, the ethics rules, as well as the Federal Election Commission rules, require a payment to the owner of the plane equivalent to a first-class commercial ticket. The current rules undervalue flights on noncommercial jets and provide, in effect, a way for corporations and individuals to give benefits to Members beyond the limits provided for in our campaign finance laws. The Reid amendment would eliminate that loophole by requiring that the reimbursement be based on the comparable charter rate for a plane. [Cong. Rec. S320]

Sen. Sanders, 1/16/2007

Members of Congress do not need free lunches from lobbyists. Members of Congress do not need free tickets to ball games. And they do not need huge discounts for flights on corporate jets. Congress does need transparency in earmarks and holds, and we do need a new policy regarding the revolving door by which a Member one year is writing a piece of legislation and the next year finds himself or herself working for the company that benefited from the legislation he or she wrote. In other words, we need to pass the strongest ethics reform bill possible. But in passing this legislation, we need to understand this is not the end of our work but, rather, it is just the beginning, and much more needs to be done. [Cong. Rec. S553]

Sen. Reid, 1/16/2007

Let me say a word about corporate jets. The State of Nevada is very large areawise. The cities of Las Vegas and Reno are separated by about 450 miles. There is good travel between those two cities. But to get around the rest of the State is not easy. When you travel from Las Vegas to Reno, I again say it is easy. But then let's say you want to go to Elko. By Nevada standards, it is a pretty large city. Going on a commercial airplane, it is very, very, very difficult, and to go to Ely is next to impossible. These two cities, both important in their own right, have required on a number of occasions calling upon people you know who have an airplane to take us up there.

Under the old rules, you could pay first-class travel. An example of that is Senator Ensign and I, last August, had to go to Ely. It was extremely important. We were working on a piece of legislation that has since passed. We wanted to sit down in person and talk to the people in Ely about what we were doing.

For us to get there was very difficult. The time factor was significant. To drive up and back is 2 days, 1 day up, 1 day back. It was

complicated by the fact that Senator Ensign had a longstanding engagement in Reno. To go from Ely to Reno—it is hard to get there. If you drive very fast, you can make it in 6 hours. So I called a friend of mine, Mike Ensign, Senator Ensign's father. This good man has done very well in the business world. He is a man with limited education but a great mind. He started out working in somewhat menial jobs in the gaming industry. He worked his way up. He became a dealer, a pit boss, a shift boss, and then Mike Ensign moved into the corporate world and became an executive and then ultimately started buying hotel properties himself and has done very well. He is the principal officer and owner of Mandalay Bay, a huge company. It is the second largest hotel-casino operator in the country. I called him and I said: Mike, with one of your airplanes, can you fly me and your son to Ely?

He is a wonderful man, just the greatest guy. He said: Sure, I will be happy to do that. And he did that. He is an example of the type of people we have called upon for these airplanes.

I tell this story. I have used these airplanes a lot because I live in Nevada and because of other duties I have here. The reason I tell the Mike Ensign story is because Mike Ensign doesn't want anything from me. There isn't a thing in the world I can give this man. He is famous, he is rich, he has a wonderful family. I can't do anything to help Mike Ensign. He did this because he is my friend.

Most every—I should not say most. For every airplane I fly on, of course I don't have the relationship with them that I have with Mike Ensign, but I want everyone who has allowed me to use their airplanes to know I am not in any way denigrating them. They have done this out of the goodness of their heart. I have never had anyone say: I will give you an airplane ride if you give me something, or, I have a piece of legislation pending, will you help me with that? That has never happened. I want all these people to know that I am certainly not in any way disparaging these good people who have allowed me and others to fly on their airplanes.

What I am saying, though, is that in this world in which we live, because of all the corruption that has taken place in the last few years here in America, that you not only have to do away with what is wrong but what appears to be wrong. I am confident I have never been influenced by anyone who provided me with the courtesy of a private airplane, but I have come to the realization that this practice presents a major perception problem. It is a major perception problem because the American people have the right to insist that we do what seems right as well as what is right. Does it appear it is OK? For us to fly around in these airplanes doesn't appear to be the right thing, no matter how good-hearted these people are, just like Mike Ensign. So because a perception isn't right, this amendment is pending, and it means Senators should pay the full fare when they fly on someone's private airplane. [Cong. Rec. S548–9]

Sen. Levin, 1/25/2007

Strong travel restrictions are also an essential component of this bill. The new rules will ensure that Members traveling on corporate jets would have to reimburse at the charter rate, not as is now the case merely at the level of a first class commercial ticket. [Cong. Rec. S1185]

Sen. Reid, 6/26/2007

The American people responded at the polls last November with a clear message that they wanted a new direction, and we, the Democrats, responded by passing the most sweeping ethics and lobbying reform in a generation. We did it with the help of the minority. I do not say that lightly. But let's see what is in this bill. Let's review it for a bit to find out what this bill does.

It prohibits lobbyists and entities that hire lobbyists from giving gifts to lawmakers and their staffs. It prevents corporations and other entities that hire lobbyists from paying for trips for Members or staffs. And it prohibits lobbyists from participating in or paying for any such trips. It requires Senators to pay fair market value prices for charter flights, which put an end to the abuses of corporate travel.

Many people in this Chamber flew in corporate jets and paid first-class airfare. That did not corrupt any Members of Congress, but it was corrupting. It didn't look right, and therefore it is important it be stopped. And I hope it stopped. We need legislation to make sure it is stopped. [Cong. Rec. S8400]

Sen. Klobuchar, 7/31/2007

This ethics bill, as many outside groups have stated, is the most sweeping ethics reform we have seen since Watergate. It is about banning gifts and free meals. It is about not allowing people to take advantage of corporate jets. It is about bringing transparency to the earmark process. [Cong. Rec. S10401]

Sen. Obama, 8/2/2007

In January, I came back with Senator Feingold, and we set a high bar for reform. I am pleased to report that the bill before us today comes very close to what we proposed. By passing this bill, we will ban gifts and meals and end subsidized travel on corporate jets; we will close the revolving door between Pennsylvania Avenue and K Street; and we will make sure the American people can see all the pet projects lawmakers are trying to pass before they are actually voted on. [Cong. Rec. S10692]

Sen. Levin, 8/2/2007

Strong travel restrictions are also an essential component of this bill. The new rules will ensure that Members traveling on corporate jets would have to pay for them at the charter rate, not at the current level of a first class commercial ticket, which is but a fraction of the cost. [Cong. Rec. S10703]

Sen. Feinstein, 8/2/2007

Section 544 includes a separate provision relating to flights on private jets. This provision requires Senators to pay full market value—defined as charter rates—for flights on private jets, with an exception for jets owned by immediate family members (or non-public corporations in which the Senator or an immediate family member has an ownership interest).

In general, the changes made by section 544 go into effect 60 days after enactment, or the date that the Select Committee on Ethics issues the required guidelines under the rule, whichever is later. Until the new rules take effect, the existing rules for travel will remain in place. In light of the transition to the new rule relating to reimbursement for flights on private jets and the lack of experience in many offices in determining ''charter rates,'' the Select Committee on Ethics may treat reimbursement at current rates as reimbursement at charter rates for a transition period not to exceed 60 days.

Section 601 amends the Federal Election Campaign Act to require that candidates, other than those running for a seat in the House of Representatives, pay the fair market value of airfare when using non-commercial jets to travel. Fair market value is to be determined by dividing the fair market value of the charter fare of the aircraft, by the number of candidates on the flight. This provision exempts aircraft owned or leased by candidates or candidates' immediate family members (or non-public corporations in which the Senator or his or her immediate family member has an ownership interest). The bill prohibits candidates for the House of Representatives from any campaign use of privately-owned, non-chartered jets.

Many candidates are not accustomed to determining charter rates. The FEC may, during a transition period of no more than 60 days, deem reimbursement at current rates to be charter rates while committees determine how to calculate charter rates. [Cong. Rec. S10713]

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 377—CONGRATULATING THE UNIVERSITY OF NORTH CAROLINA TAR HEELS FOR WINNING THE 2009 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION FIELD HOCKEY NATIONAL CHAMPIONSHIP–

Mrs. HAGAN (for herself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 377

Whereas on November 22, 2009, the University of North Carolina defeated the University of Maryland by a score of 3-2 to win the 2009 National Collegiate Athletic Association (NCAA) Field Hockey National Championship;

Whereas the University of North Carolina Tar Heels finished the season with an overall record of 20-2, and an Atlantic Coast Conference (ACC) regular season record of 4–1;

Whereas the University of North Carolina's Illse Davids, Katelyn Falgowski, Danielle Forword, Jackie Kintzer, and Kelsey Kolojejchick were named to the 2009 All-ACC first team;

Whereas Kelsey Kolojejchick was named the ACC Rookie of the Year;

Whereas the Tar Heels entered the NCAA tournament ranked third, behind the only 2 teams to which they had lost during the regular season, the University of Virginia and the University of Maryland;

Whereas the Tar Heels defeated the University of Virginia by a score of 3–2 in the national semi-final game;

Whereas the defending national champion and top-ranked University of Maryland entered the NCAA championship game with an undefeated 23–0 record;

Whereas the University of North Carolina kept the University of Maryland scoreless during the first period, despite being outshot 8–1;

Whereas senior captain Danielle Forword lifted the Tar Heels to victory in the championship game on a game-winning goal with 11.7 seconds remaining;

Whereas the Tar Heels overcame a previous 4–1 loss during the regular season to the University of Maryland;

Whereas the University of North Carolina's Illse Davids, Katelyn Falgowski, Danielle Forword, and Jackie Kintzer were named to the 2009 NCAA All-Tournament Team;

Whereas the University of North Carolina's Katelyn Falgowski, Jackie Kintzer, and Kelsey Kolojejchick were named first team All-Americans by the National Field Hockey Coaches Association;

Whereas Kelsey Kolojejchick became the first Tar Heel freshman to earn first-team All-America honors;

Whereas the University of North Carolina's Illse Davids and Danielle Forword were