Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. ROCKEFELLER:

S. Res. 47. A resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 48. A resolution honoring the sesquicentennial of Oregon statehood; considered and agreed to.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 252

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 354

At the request of Mr. WEBB, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 371

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 394

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 394, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literacy, musical, artistic, or scholarly compositions created by the donor.

S. 416

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. SNOWE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 416, a bill to limit the use of cluster munitions.

S. 417

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 417, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. CON. RES. 3

At the request of Mr. DODD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 421. A bill to impose a temporary moratorium on the phase out of the Medicare hospice budget neutrality adjustment factor; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Medicare Hospice Protection Act, which will place a one-year moratorium on a final rule issued by the Centers for Medicare and Medicaid Services, CMS, reducing payments to hospice providers and ensure Medicare beneficiaries' access to hospice care.

More than 1.3 million Americans depend on hospice for high quality and compassionate end-of-life care each year. Unfortunately, on October 1, 2008, CMS issued a final rule to reduce hospice reimbursement rates in Medicare. This reduction of the hospice wage index will take $2.1 billion out of hospice care for Medicare beneficiaries over the next 5 years.

The Medicare Payment Advisory Commission, MedPAC, is currently examining the payment system for hospice care. We must allow MedPAC to complete this important review of the hospice Medicare benefit and make payment recommendations, which is expected in 2009. The Hospice Protection Act, introduced by myself and Senators HARKIN, WYDEN, ROBERTS, and ROCKEFELLER, will maintain access to hospice care for seniors.

Hospice is an efficient and cost-effective health care model. Hospice provides individuals at the end of their lives, as well as their families, with comfort and compassion when they are needed most. Hospice care enables a person to retain his or her dignity and maintain quality of life during the end of life. An independent Duke University study in 2007 showed that patients receiving hospice care cost the Medicare program about $2,300 less than those who did not, resulting in an annual savings of more than $2 billion.

In April 28, 2008, just before the Notice of Proposed Rule Making was released, a bipartisan group of more than 40 Senators wrote to Secretary Leavitt and asked him to stop further action and wait for MedPAC recommendations on hospice payment issues. On July 28, 2008, before the final rule was released, Senators HARKIN, WYDEN, ROBERTS and I wrote to White House Chief of Staff Joshua Bolton, to urge him to stop the regulation from being finalized and to consider the burden that this regulation will put on the hospice community.

Access to quality compassionate hospice care is critical for Medicare beneficiaries. I ask my fellow Senators to join me in support of the Hospice Protection Act and to work toward its swift passage.

By Ms. STABENOW (for herself, Ms. MURKOWSKI, Mrs. FEINSTEIN, Ms. COLLINS, Mrs. LINCOLN, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. COCHRAN, Ms. LANDRIEU, Mrs. BOXER, Mrs. SHAHEEN, Mr. CARDIN, Mr. KERRY, Mr. WHITEHOUSE, Mr. AKAKA, Mr. SANDERS, Mr. INOUYE, Mr. BEGICH, Mr. CASEY, Mr. MENENDEZ, Mr. BAYH, Mr. CARPER, Mr. WYDEN, and Mr. CONRAD):

S. 422. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, I rise today to discuss a critical health issue affecting too many women: heart disease, a disease that surprisingly affects more women than men.

As women, we tend to be great at taking care of everyone around us—our children, our spouses, our aging parents. Unfortunately, we do not do nearly as well taking care of ourselves sometimes. I suspect we all know women who have been to their doctors or to emergency rooms exhibiting symptoms of heart attack, only to be told they were suffering from ''stress'' or indigestion.

For women, there are a lot of misconceptions about heart disease, but here are the facts.

Heart disease and stroke actually kill more women each year than men.

Heart disease, stroke, and other cardiovascular diseases are the leading cause of death for women in the United States and in Michigan. According to the Michigan Department of Community Health, a third of all deaths in women are due to cardiovascular disease.

One in three adult women has some form of cardiovascular disease.

Minority women, particularly African American, Hispanic and Native American women, are at even greater risk from heart disease and stroke.

These reasons are why Senator LISA MURKOWSKI and I are reintroducing the HEART for Women Act in the Senate today to turn these startling statistics around. Our bill is a three-prong approach to fighting heart disease by raising awareness, strengthening research, and increasing access to screening programs for more women. I am so pleased that nearly a quarter of the Senate is joining us today in sponsoring this legislation, and that that Congresswomen LOIS CAPPS and MARY BONO MACK are introducing companion legislation in the U.S. House of Representatives.

Mr. President, I ask unanimous consent that support material be printed in the RECORD.

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

AMERICAN HEART ASSOCIATION,
FEBRUARY 12, 2009.

Heart Disease and Stroke. You're the Cure.

Hon. DEBBIE A. STABENOW,
U.S. Senate,
Washington, DC.
Hon. LISA MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW AND SENATOR MURKOWSKI: On behalf of the American Heart Association and our approximately 22 million volunteers and supporters nationwide, we applaud you for your re-introduction of the HEART for Women Act.

As your legislation recognizes, too many American women and their healthcare providers still think of heart disease as a ''man's disease,'' even though about 50,000 more women than men die from cardiovascular diseases each year. And unfortunately, while we as a nation have made significant progress in reducing the death rate from cardiovascular diseases in men, the death rate in women has barely declined (17 percent decline in men versus a 2 percent decline in women over the last 25 years). Even more alarmingly, the death rate in younger women ages 35 to 44 has actually been increasing in recent years.

The American Heart Association and its American Stroke Association division is a strong supporter of the HEART for Women Act because it would improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women and ultimately help end the disparity that women face. Your legislation is particularly important in the current economic recession, where Americans are losing their jobs and their health insurance coverage and women may be foregoing needed screening that could aid in the early identification and treatment of heart disease and stroke.

More specifically, your legislation would: 1) authorize the expansion of the Centers for Disease Control and Prevention's WISEWOMAN program, which provides free heart disease and stroke screening and lifestyle counseling to low-income, uninsured and underinsured women, to all 50 states; 2) educate women and healthcare professionals about the risks women face from cardiovascular diseases; and 3) provide clinicians and their women patients with better information about the efficacy and safety of new treatments for heart disease and stroke.

Thank you again for your leadership on this important legislation. We look forward to working with you to get the HEART for Women Act enacted into law in this Congress.

Sincerely,

DAVID A. JOSSERAND,
Chairman of the Board.
TIMOTHY J. GARDNER, MD, FAHA,
President.

[From the Chicago Tribune, Dec. 29, 2008]

WOMEN'S HEART DISEASE: IT'S THE LEADING KILLER, BUT PATIENT CARE LAGS THAT FOR MEN—AS CARDIAC SCIENCE ADVANCES, WOMEN FIND TREATMENT LAGGING

(By Judith Graham)

Heart disease is the leading cause of death for women in the U.S., yet a wealth of data shows female cardiac patients receive inferior medical care compared with men.

Too many physicians still discount the idea that a woman could be suffering from heart disease, delaying or denying needed medical interventions, experts note. Most community hospitals in the U.S. still are not following guidelines for treating women with heart attacks. And primary care doctors don't do as much as they could to emphasize prevention.

As a result, women are failing to reap the full benefits of enormous advances in cardiovascular medicine.

The point was underscored this month by a study published in the journal Circulation finding that women who have heart attacks receive fewer recommended treatments in hospitals than men, including aspirin, beta blocker medications, angioplasties, clot-busting drugs and surgeries to re-establish blood flow. Women with the most serious heart attacks, known as STEMIs, were significantly more likely to die at a hospital than men.

''We need to do a better job of defining women's symptoms and treating them aggressively and rapidly, as we do for men,'' said Dr. Hani Jneid, the study's lead author and assistant professor of medicine at the Baylor College of Medicine in Houston.

In Israel, when guidelines have been applied much more rigorously, the mortality difference between the sexes all but disappeared, according to a July study in the American Journal of Medicine.

Outside hospitals, too few internists, family doctors, obstetricians and gynecologists are implementing recommendations for preventing heart disease in women, experts say. Eighty percent of heart attacks in women could be prevented if women changed their eating habits, got regular exercise, managed their cholesterol and blood pressure, and followed other preventive measures.

Although death rates from cardiovascular disease have fallen, the condition killed 455,000 women in 2006, according to data from the American Heart Association. Heart disease causes about 72 percent of cardiovascular fatalities; the rest are strokes and other related conditions.

The next decade could see major advances as scientists better understand how the biology of heart disease differs in women, said Dr. Joan Briller, director of the Heart Disease in Women program at the University of Illinois Medical Center at Chicago.

Already, for example, researchers have learned that plaque deposits tend to be spread more widely in women than in men, resulting in fewer big blockages in the arteries. That means standard therapies such as angioplasty are often less effective in women. Also, women metabolize certain heart drugs at a different rate than men.

Women should learn about the symptoms of acute heart disease—which can differ from those in men—respond promptly if they sense something is wrong, and ''find physicians who care about them,'' said Dr. Annabelle Volgman, medical director of the Heart Center for Women at Rush University Medical Center.

''Ask your doctor: Are you familiar with the guidelines for the prevention of heart disease in women published in 2007? Do you follow them? If they say 'no,' find yourself another doctor,'' she said.

These Chicago-area women learned the importance of that advice the hard way:

Elizabeth Hein of Chicago was 27 when she began feeling a tight, squeezing feeling in her chest, ''like a bone was stuck in my heart,'' she said.

When it didn't go away, Hein visited her primary-care doctor. ''You're young and healthy; don't worry,'' she remembers him saying. Take aspirin, he advised.

The disturbing sensation sent Hein to the doctor four more times over the next six months. She was fine, he repeated. Hein was in good shape and running 3 to 5 miles daily.

One day at work, Hein felt numbness spread up her arm and into her neck. Breathing became difficult. ''I'm sitting there thinking my doctor doesn't believe anything is wrong; what should I do?'' said Hein, now 38.

At a nearby hospital, Hein remembers, a triage nurse briefed a skeptical emergency room doctor on her electrocardiogram.

''She's too young. It can't be a heart attack,'' she heard the doctor say behind a curtain.

When he examined Hein, he asked what drugs she took. (Cocaine can simulate heart attack symptoms.) After several hours, the doctor sent Hein home. She later learned from her primary-care physician that she had, indeed, had a heart attack.

''My overwhelming feeling was relief: Finally he acknowledged something was really wrong,'' said Hein, who soon changed doctors.

''If your doctor won't listen, fire him and find one who will,'' she said.

That lesson was brought home painfully three years ago when Hein's mother began to suffer lower back pain and fatigue. Her Minnesota doctor sent her to a masseuse. A month later, when she returned to the doctor because she was retaining water, he reportedly told her: ''You're an older woman. It's normal.''

Weeks later, Mabel Hein died of a massive heart attack.

''They missed it because they dismissed her too,'' her daughter said. ''What I tell other women now is don't let it happen to you.''

In March 2007, a screening test told Michelle Smietana of Gurnee her blood pressure and cholesterol levels were excellent.

''I thought that's fantastic, no problems there,'' said Smietana, 35.

Eight hours later, she was in a hospital emergency room with a heart attack.

It began at dinner with a friend, when the computer specialist felt an achy pain at the right shoulder blade. By the time she got to her car, the feeling had crept up into her throat, where it settled in the soft spot under her chin.

''At first I thought I'd hurt a muscle. Then I thought: 'Am I having an allergic reaction?' '' Smietana said. ''All the time, I felt, whatever this is, I really don't like it.''

Doctors at an urgent care center sent Smietana to Condell Medical Center after a test for a cardiac marker came back positive. There Smietana received aggressive treatment and ultimately discovered that a prolonged coronary artery spasm had interrupted blood flow through her narrower-than-usual arteries.

''My first reaction was a weird feeling of shame, because I was only 33 and this wasn't supposed to be happening,'' Smietana said. ''Then, I felt kind of guilty, because I'm a little heavy and a little underexercised.''

Moving on from the episode was terrifying, she said. ''Because it came out of nowhere, you're not sure if it's going to come back again and if you'll survive the next time,'' she said.

She credits three months of cardiac rehabilitation with defeating that fear and learning how to move again and take better care of herself.

Today, Smietana tells women: ''If your body tells you something doesn't feel right, listen to it and take it seriously. I did and I got lucky.''

Helen Pates' grandmother died in her sleep of a massive heart attack around age 40. Her mother also suffered from heart disease, as did several maternal relatives.

All this was detailed in her medical records. Yet when Pates developed persistent fatigue and occasional bouts of nausea, not one of seven Chicago doctors she consulted ordered cardiac exams.

Instead, they scanned her liver, her brain, her gastrointestinal tract. ''They all said the same thing: 'We're not finding anything. You have a demanding career, a busy life. It's probably stress-related,''' said Pates, who lives in Chicago and manages money for people with high net worth.

Then in 2005 Pates awoke at 3 a.m. with excruciating pain on the left side of her back and severe shortness of breath. Crawling out of bed, she managed to drive to Rush University Medical Center.

A few hours later, surgeons told Pates she had a large aortic aneurysm—a bulge in her body's main blood vessel—that was about to rupture. Doctors inserted a stent that caused the aneurysm to shrink and eventually vanish.

Within three months Pates' energy began to return, and a year later she was feeling like herself again.

Now 43, Pates said she's upset so many doctors dismissed her symptoms.

''As a woman, you need to stay on top of your health,'' she said. ''Make yourself a priority. And if you have a family history, like I did, and don't feel well, ask your doctor if you could be having problems with your heart.''

The first time Debbie Dunn collapsed, doctors diagnosed pneumonia. A high fever, they said, had caused her cold sweats and thumping heart.

The next three times Dunn felt on the verge of collapse, her heart racing wildly, medical providers told her she was having panic attacks.

Eventually a cardiologist gave her a new diagnosis: supraventricular tachycardia, an abnormally rapid heart rhythm. ''It's benign,'' Dunn says he told her.

For years, Dunn visited the cardiologist occasionally but primarily relied on a technique he taught her to control symptoms. Still, more and more often, she said, ''My heart felt like tennis shoes in the drier doing flip-flops.''

In 2002, at a restaurant with her husband, Dunn felt what she calls a ''ripping, burning sensation above my breast.'' Her left arm went numb, then started to ache.

At a nearby hospital, after hours of waiting, a nurse casually told Dunn she'd had a massive heart attack. A cardiologist said her heart was profoundly damaged and operating at about 30 percent of capacity. Dunn was prescribed medications but felt perpetually exhausted.

''I tried to be a good mom, a good wife, and go back to my activities but I couldn't keep up,'' said Dunn, 52. Her cardiologist prescribed another medication for inflammation, but it didn't help either.

A turning point came when Dunn read an article in O magazine on women and heart disease. Seeing herself in the story, she went to see Oprah Winfrey's cardiologist. In the physician's office, having a cardiac stress test for the first time, Dunn had another heart attack.

Today, the Libertyville resident has a pacemaker. Channeling anger over her mistreatment into activism, Dunn runs a support group for women with heart disease at Glenbrook Hospital in Glenview and Condell Medical Center and is starting another at Lake Forest Hospital.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ROCKEFELLER, Mr. SANDERS, Mr. TESTER, Mr. BEGICH, Mr. BINGAMAN, Mrs. BOXER, Mr. FEINGOLD, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, Ms. MURKOWSKI, Ms. STABENOW, Mr. THUNE, Mr. VITTER, Mr. SCHUMER, and Mr. BURR):

S. 423. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, this is an important day for Congress, for veterans, and their families. Today we take another step towards securing timely, predictable funding for the Veterans Health Care system. Our plan will create a transparent funding process that will yield sufficient, on-time funding that will enable VA to care for veterans more effectively.

Historically, VA's health care system has been plagued by underfunding. Only a few years ago, VA reported a shortfall of over $1 billion dollars. VA has had to come back to Congress repeatedly to get supplementary funding for health care costs. Fortunately, in the past two years, we have begun to change course, by providing record-funding to meet the increased needs of veterans and their families.

Even with sufficient funding, however, the money for VA has been provided late in 19 of the past 22 fiscal years. Sometimes, the appropriations have come as late as February, when VA needed the funds to spend in the preceding October.

Funding levels and the timing of funding depend on the federal appropriations process—a process vulnerable to partisan posturing and last minute changes.

This means that the largest health care system in the country—to which millions of wounded and indigent veterans turn to for care—does not know what funds it will receive, when it will be funded, or, in reality, whether vital programs will receive funding at all. This is no way to finance a national health care system with such a sacred obligation.

Today we suggest a better option. I am proud to introduce the Senate-version of the Veterans Health Care Budget Reform Act. This bill would require that veterans' health care be funded one-year in advance of the regular appropriations process.

Unlike Medicare and Medicaid, veterans' health care would not be funded as an entitlement: Congress would still review and manage funding, as necessary, so as to maintain oversight.

By knowing what funding they will receive one year in advance, VA would be able to plan more efficiently, and better use taxpayer dollars to care for veterans.

In addition to improving timeliness, this bill will deliver a more transparent funding process. A GAO audit and public report to Congress on VA funding would be provided annually.

I am proud to join a number of our nation's leading veterans' organizations, and a bipartisan team of supporters from the House and Senate in calling for this bill's passage. Joining me as cosponsors on this bill are Senators SNOWE, JOHNSON, ROCKEFELLER, SANDERS, TESTER, BEGICH, BINGAMAN, BOXER, FEINGOLD, LANDRIEU, LAUTENBERG, MENENDEZ, MURKOWSKI, STABENOW, THUNE, VITTER, and Mr. SCHUMER.

Now is the time to secure timely, predictable veterans' health care funding. Mr. President, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 423

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 ''Veterans Health Care Budget Reform and Transparency Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Title 38, United States Code, authorizes the Secretary of Veterans Affairs to furnish hospital and domiciliary care, medical services, nursing home care, and related services to eligible and enrolled veterans, but only to the extent that appropriated resources and facilities are available for such purposes.

(2) For 19 of the past 22 fiscal years, funds have not been appropriated for the Department of Veterans Affairs for the provision of health care as of the commencement of the new fiscal year, causing the Department great challenges in planning and managing care for enrolled veterans, to the detriment of veterans.

(3) The cumulative effect of insufficient, late, and unpredictable funding for the Department for health care endangers the viability of the health care system of the Department and impairs the specialized health care resources the Department requires to maintain and improve the health of sick and disabled veterans.

(4) Appropriations for the health care programs of the Department have too often proven insufficient over the past decade, requiring the Secretary to ration health care and Congress to approve supplemental appropriations for those programs.

(5) Providing sufficient, timely, and predictable funding would ensure the Government meets its obligation to provide health

care to sick and disabled veterans and ensure that all veterans enrolled for health care through the Department have ready access to timely and high quality care.

(6) Providing sufficient, timely, and predictable funding would allow the Department to properly plan for and meet the needs of veterans.

SEC. 3. TWO-FISCAL YEAR BUDGET AUTHORITY FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TWO-FISCAL YEAR BUDGET AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 113 the following new section:

''§ 113A. Two-fiscal year budget authority for certain medical care accounts

''(a) IN GENERAL.—Beginning with fiscal year 2011, new discretionary budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (b) shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such appropriations accounts that first become available for the first fiscal year after such fiscal year.

''(b) MEDICAL CARE ACCOUNTS.—The medical care accounts of the Department specified in this subsection are the medical care accounts of the Veterans Health Administration as follows:

''(1) Medical Services.

''(2) Medical Support and Compliance.

''(3) Medical Facilities.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 113 the following new item:

''113A. Two-fiscal year budget authority for certain medical care accounts.''.

SEC. 4. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS.—The Comptroller General of the United States shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model, its equivalent, or other methodologies, as utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs (in this section referred to as the ''Model'') with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

By Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. SCHUMER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. KERRY, Mr. BROWN, Mr. MENENDEZ, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. INOUYE, and Mrs. BOXER):

S. 424. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am proud to reintroduce the Uniting American Families Act. This legislation will allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners to come to the United States under our family immigration system. I thank Senators WHITEHOUSE, KERRY, SCHUMER, FEINGOLD, WYDEN, CARDIN, MENENDEZ, MURRAY, BROWN, AKAKA, and LAUTENBERG for their support of this legislation. I hope that the Senate will act to demonstrate our Nation's commitment to equality under the law by passing this measure.

I am also grateful that Congressman NADLER is introducing this same measure in the House of Representatives. Congressman NADLER has been a steady champion of this legislation, and I commend his efforts.

When the marker for the Senate's comprehensive immigration legislation was introduced at the beginning of this Congress, I said that among the changes needed in our immigration laws is equality for gay and lesbian Americans. The burdens and benefits of the laws created by the elected officials who represent all Americans should be shared equally, and without discrimination. With an historic election behind us, and the promise of a more just, peaceful, and prosperous world ahead of us, let us begin to break down the barriers that still remain for so many American citizens.

Under current law, committed same-sex foreign partners of American citizens are unable to use the family immigration system, which accounts for a majority of the green cards and immigrant visas granted annually by the United States. As a result, gay Americans who are in this situation must either live apart from their partners, or leave the country if they want to live with them legally and permanently. According to the most recent census, there are approximately 35,000 bi-national, same-sex couples living in the United States. It is all but certain that many of these couples will eventually be forced to make a choice with which no American should be faced—to choose between the country they love and the person they love.

Some have expressed concern that providing this equality in our immigration law will lead to more immigration fraud. At best these concerns are misguided, and at worst they are a pretext for discrimination. This bill retains strong protections against fraud already in immigration law. To qualify as a permanent partner, petitioners must prove that they are at least 18-years-old and are in a committed, financially interdependent relationship with another adult in which both parties intend a lifelong commitment. They must also prove that they are not married to, or in a permanent partnership with, anyone other than that person, and are unable to contract with that person in a marriage cognizable under the Immigration and Nationality Act. Proof could include sworn affidavits from friends and family and documentation of financial interdependence. Penalties for fraud would be the same as penalties for marriage fraud—up to five years in prison and $250,000 in fines for the U.S. citizen partner, and deportation for the foreign partner. Discrimination based upon sexual orientation should play no role in guarding against those who seek to abuse our immigration laws.

Like many people across the country, there are Vermonters whose partners are foreign nationals and who feel abandoned by our laws in this area: Vermonters like Gordon Stewart who has come to talk to me about the unfairness of our current laws, or a committed, loving couple of 24 years in Brattleboro, VT, who travel back and forth between Vermont and England, and who wish nothing more than to be able to be together in the United States. This bill would allow them, and other gay and lesbian Americans throughout our Nation who have felt that our immigration laws are discriminatory, to be a fuller part of our society. The promotion of family unity has long been part of Federal immigration policy, and we should honor that principle by providing all Americans the opportunity to be with their loved ones.

The idea that immigration benefits should be extended to same-sex couples is not a novel one. Many nations have come to recognize that their respective immigration laws should respect family unity, regardless of a person's sexual orientation. Indeed, 16 of our closest allies—Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom—recognize same-sex couples for immigration purposes.

I would ask all Senators to take heed of what my friend, Congressman JOHN LEWIS has said about discrimination against gay and lesbian Americans, when he wrote in 2003: ''Rather than divide and discriminate, let us come together and create one nation. We are all one people. We all live in the American house. We are all the American family. Let us recognize that the gay people living in our house share the same hopes, troubles, and dreams. It's time we treated them as equals, as family.'' Congressman LEWIS is right. I hope all Senators will join me in supporting equality for all Americans and their loved ones.

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

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 424

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

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting American Families Act of 2009''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, if an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PERMANENT PARTNERSHIP.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(52) The term 'permanent partner' means an individual 18 years of age or older who—

''(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment;

''(B) is financially interdependent with that other individual;

''(C) is not married to, or in a permanent partnership with, any individual other than that other individual;

''(D) is unable to contract with that other individual a marriage cognizable under this Act; and

''(E) is not a first, second, or third degree blood relation of that other individual.

''(53) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.''.

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by ''spouse'' each place it appears and inserting ''spouse or permanent partner'';

(2) by striking ''spouses'' and inserting ''spouse, permanent partner,'';

(3) by inserting ''(or, in the case of a permanent partnership, whose permanent partnership was not terminated)'' after ''was not legally separated from the citizen''; and

(4) by striking ''remarries.'' and inserting ''remarries or enters a permanent partnership with another person.''.

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES'';

(2) in the heading of subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the heading of subparagraph (C), by striking ''AND DAUGHTERS'' inserting ''WITHOUT PERMANENT PARTNERS AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS''.

(b) RULES FOR CHARGEABILITY.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

(1) by striking ''his spouse'' and inserting ''his or her spouse or permanent partner'';

(2) by striking ''such spouse'' each place it appears and inserting ''such spouse or permanent partner''; and

(3) by inserting ''or permanent partners'' after ''husband and wife''.

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) SPOUSES, PERMANENT PARTNERS, UNMARRIED SONS WITHOUT PERMANENT PARTNERS, AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—'';

(2) in subparagraph (A), by inserting '', permanent partners,'' after ''spouses''; and

(3) in subparagraph (B), by striking ''or unmarried daughters'' and inserting ''without permanent partners or the unmarried daughters without permanent partners''.

(b) PREFERENCE ALLOCATION FOR SONS AND DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C. 1153(a)(3)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS WITH PERMANENT PARTNERS OF CITIZENS.—''; and

(2) by inserting '', or sons or daughters with permanent partners,'' after ''daughters''.

(c) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(d) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by inserting ''or permanent partner'' after ''section 101(b)(1)''; and

(2) by inserting '', permanent partner,'' after ''the spouse''.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by inserting ''or permanent partner'' after ''spouse'';

(B) in clause (iii)—

(i) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(ii) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(C) in clause (v)(I), by inserting ''permanent partner,'' after ''is the spouse,'';

(D) in clause (vi)—

(i) by inserting ''or termination of the permanent partnership'' after ''divorce''; and

(ii) by inserting '', permanent partner,'' after ''spouse''; and

(2) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears;

(B) in clause (ii)—

(i) in subclause (I)(aa), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I)(bb), by inserting ''or permanent partnership'' after ''marriage'' the first place it appears; and

(iii) in subclause (II)(aa), by inserting ''(or the termination of the permanent partnership)'' after ''termination of the marriage''.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting '', permanent partner,'' after ''spouse'' each place it appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (4), by inserting '', permanent partner,'' after ''spouse''.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 10. INADMISSIBLE ALIENS.

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting ''permanent partner,'' after ''spouse,'';

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,''; and

(4) in paragraph (9)(B)(v), by inserting '', permanent partner,'' after ''spouse''.

(b) WAIVERS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) SECTION HEADING.—

(1) IN GENERAL.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking ''AND SONS'' and inserting '', PERMANENT PARTNERS, SONS, '' after

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or permanent partner'' after ''spouse'';

(B) in subparagraph (B), by inserting ''permanent partner,'' after ''spouse,''; and

(C) in subparagraph (C), by inserting ''permanent partner,'' after ''spouse,''.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE''; and

(2) in paragraph (1)(A)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) in clause (ii)—

(i) by inserting ''or has ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(ii) by inserting ''or permanent partner'' after ''spouse''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) in paragraph (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by inserting before the comma at the end '', or is a permanent partnership recognized under this Act'';

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by inserting ''or permanent partner'' after ''spouse'';

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage''; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended—

(1) in the section heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(2) in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting ''or permanent partner'' after ''spouse'' in the matter following subparagraph (C).

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs (1), (2)(A)(ii), and (3)(C), by inserting ''or permanent partner'' after ''spouse''.

(d) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C. 1186b(f)(2)) is amended by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(e) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.''.

SEC. 14. DEPORTABLE ALIENS.

Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—

(1) in subparagraph (D)(i), by inserting ''or permanent partners'' after ''spouses'' each place it appears;

(2) in subparagraphs (E)(ii), (E)(iii), and (H)(i)(I), by inserting ''or permanent partner'' after ''spouse'';

(3) by inserting after subparagraph (E) the following:

''(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

''(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provision of the immigration laws; or

''(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership, which the Secretary of Homeland Security determines was made for the purpose of procuring the alien's admission as an immigrant.''; and

(4) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

SEC. 15. REMOVAL PROCEEDINGS.

Section 240 (8 U.S.C. 1229a) is amended—

(1) in the heading of subsection (c)(7)(C)(iv), by inserting ''PERMANENT PARTNERS,'' after ''SPOUSES,''; and

(2) in subsection (e)(1), by inserting ''permanent partner,'' after ''spouse,''.

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting ''or permanent partnership'' after ''marriage''.

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(4)(A) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that—

''(i) the permanent partnership was entered into in good faith and in accordance with section 101(a)(52);

''(ii) the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant; and

''(iii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner.

''(B) The Secretary shall promulgate regulations that provide for only 1 level of administrative appellate review for each alien under subparagraph (A).''.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR MISREPRESENTATION AND CONCEALMENT OF FACTS REGARDING PERMANENT PARTNERSHIPS.

Section 275(c) (8 U.S.C. 1325(c)) is amended to read as follows:

''(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than $250,000, or both.''.

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 20. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act Amendments of 2000 (division B of Public Law 106–554; 114 Stat. 2763–325) is amended—

(1) in the heading, by inserting ''**, PERMANENT PARTNERS,**'' after ''**SPOUSES**'';

(2) in subsection (a), by inserting '', permanent partner,'' after ''spouse''; and

(3) in each of subsections (b) and (c)—

(A) in each of the subsection headings, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(B) by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended—

(1) in the next to last sentence, by inserting '', permanent partner,'' after ''spouse'' the first 2 places it appears; and

(2) in the last sentence, by inserting '', permanent partners,'' after ''spouses''.

(b) CONFORMING AMENDMENT.—Section 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by striking ''or spouse'' and inserting '', spouse, or permanent partner''.

By Mr. BROWN:

S. 425. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a traceability system for food, to amend the Federal Meat Inspection Act, the Poultry Products Inspections Act, the Egg Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BROWN. Mr. President, recent events involving E. coli- and salmonella-tainted foods demonstrate once again that our country's food inspection, tracking, and safety system is unable to adequately protect American consumers. At a time when too many Ohioans are struggling to put food on their tables, it is simply unacceptable that they also have to worry about the safety of that food.

The most recent food-borne illness outbreak was identified as a salmonella contamination linked on January 12, 2009 to the Peanut Corporation of America's, PCA, plant in Blakely, GA. Since October of last year, this salmonella outbreak has sickened 600 people in 43 states. More an 1,900 products have been recalled—representing one of the largest food recalls in our Nation's history. Yesterday, the nationwide death toll rose to nine. Ohio has reported 92 cases linked to this outbreak and two deaths, including this week's death of a Medina woman.

Unfortunately, the current salmonella outbreak is not the only food-borne illness outbreak to have plagued our Nation in recent years. Just last year, Nebraska beef, an Omaha slaughterhouse, issued a recall of 5.3 million pounds of meat after widespread reports indicated that its meat was tainted with the sometimes-deadly strain of E. coli 0157:H7 bacteria. Health officials confirmed that 21 Ohioans, and 45 people in total, were made ill by this outbreak.

The current salmonella outbreak—taken alone—is a tragedy. The current salmonella outbreak—taken in combination with recent beef, spinach, and jalapeno pepper disease outbreaks, which have sickened and killed many—is evidence of a complete break-down in our nation's food safety system.

More can—and must—be done to improve the safety of our food supply. It is for this reason that I am introducing legislation today to address some of the major problems plaguing the Food and Drug Administration and the United States Department of Agriculture, the Federal agencies tasked with overseeing and protecting our nation's food supply.

The bill I am introducing today, the Food Safety and Tracking Improvement Act, closely mirrors legislation that I introduced in the 110th Congress, and would give the Federal Government the authority it needs to protect American consumers. It would give the Government the authority to recall tainted food and the tools to track the source of food outbreaks. Most importantly, it would save lives by ensuring a swift and thorough Federal response to contamination outbreaks.

I think most Americans would be alarmed to learn that the. Federal government does not currently have the authority to issue a mandatory recall of contaminated food. Instead, America's food safety system relies on voluntary recalls and self-policing by industry. The top priority for both USDA and FDA should be to protect the public's health—a mission that will sometimes require swift and decisive action that, let's face it, may not be to industry's liking.

In the most recent outbreak, PCA was identified as the source of the salmonella outbreak on January 12, 2009. While PCA issued a voluntary recall of a limited number of peanut butter products the next day, it wasn't until 16 days later that PCA expanded its recall to encompass all peanut and peanut products processed at its Georgia facility.

In the Nebraska Beef case, had USDA been able to issue a mandatory recall once it became clear that consumers' safety was at risk, unsafe food would have been taken off of the shelves quicker and fewer citizens would have purchased and consumed the contaminated meat.

We will never know how many more people consumed dangerous foods in the 16 days that PCA kept its products on the market, or in the weeks that Nebraska Beef decided to keep selling its products. But we do know that allowing private companies to unilaterally decide whether or not to recall their products is not in the best interest of our country. We must provide the relevant Federal agencies with mandatory recall authority so that they can act swiftly and efficiently to ensure that the public's safety is not compromised.

It is vital that FDA have the authority to remove dangerous products from grocery store shelves, from school cafeterias, and from nursing home dinner trays as soon as regulators believe a threat exists. It is also vital that we establish a Federal program to allow for quick and accurate tracing of tainted food back to the source of the problem. If the United States Postal Service can track a package from my office in Washington to my office in Cincinnati, we should be able to do the same for food products.

My legislation would provide $40 million over three years for the FDA to set up a national traceability system for all food under its jurisdiction. This system would allow the Federal government to quickly identify the origin of contaminated food and would be developed by an Advisory Committee comprised of consumer advocates, industry leaders, and relevant representatives from FDA and USDA. The Committee would determine which tracking mechanisms, such as tracking numbers, electronic barcodes, and Federal databases, should be employed to protect consumers.

I have partnered in these initiatives with Representative DIANA DEGETTE, a close colleague of mine in the House, who has long been an advocate of providing our food safety regulators with these much-needed powers.

The time to reform our Nation's food safety system is now. We cannot wait for another peanut or beef or spinach disaster. It is the responsibility of FDA and USDA to protect our nation's food supply and it is the responsibility of the United States Congress to ensure that these agencies have the tools and authority they need to do their job. I urge all of my colleagues to join me in support of the Food Safety and Tracking Improvement Act.

By Mr. BENNETT:

S. 426. A bill to amend title II of the Social Security Act to provide for progressive indexing and longevity indexing of Social Security old-age insurance benefits for newly retired and aged surviving spouses to ensure the future solvency of the Social Security program, and for other purposes; to the Committee on Finance.

Mr. BENNETT. Mr. President, we are awaiting the conference report on the stimulus package. The papers and the airwaves are full of the fact that this will be the largest expenditure we have made in peacetime perhaps in our history.

I think it well, as we wait for the details of the package, for us to pause for a moment and take a longer look, beyond the recession, beyond the financial circumstances we are facing at the moment, and look down the road at what we are facing as a nation as a whole.

So I am going to make a historic pattern today and then introduce, at the end, a bill I believe is necessary for us to deal with our financial problems. Let's go back a moment in history to the year 1966. Why do I pick 1966? Because that was the year we significantly expanded the entitlement spending in the United States. That was the year we adopted Medicare as a Federal program.

As you see from the chart, at that time the mandatory spending constituted 26 percent of the budget. By ''mandatory,'' I mean spending that we have to do. People are entitled to receive that money whether we have the money or not; it is mandatory under the law.

The largest portion of the mandatory spending in 1966 was Social Security.

We were paying roughly 7 percent of our budget for interest. We had nondefense discretionary spending which was 23 percent. The big item, the big ticket item that dominated the budget in 1966 was defense. It constituted 44 percent of Federal spending in 1966.

Let's see what has happened since that time. Let's see where we are today. In fiscal 2008, this is where we are. The mandatory spending has grown from 26 percent to 54 percent. Interest costs are roughly the same. They were 7 percent; now they are 8. Nondiscretionary spending has shrunk to 17 percent. Defense discretionary, even though we are in a wartime, is 21 percent. It is clear the mandatory spending is taking over control of the Federal budget. And interest costs, of course, are mandatory. We owe those interest costs.

If you add the two together, 54 and 8, you get 62 percent of the Federal budget beyond the control of Congress. That is, when we pass the appropriations bills, when we make our decisions what to spend money for, we are spending money in the minority; whereas, 62 percent majority is out of our control. When you take away the defense spending and assume that has a semimandatory aspect to it and put defense spending in the mix, that means the Congress only has control of 17 percent of the budget, an amazing change in the roughly 40 years from 1966 until today.

What does the future look like? I must make the point that every projection we make around here is wrong. Every projection is an educated guess. But the educated guess of what will happen 10 years from now is that mandatory spending will have grown to 61 percent and interest costs to 10 percent. That is 71. The Congressional Budget Office won't make a guess as to the divide between defense and nondefense discretionary spending. So all discretionary spending will be 29 percent, if we divide it in half, as it has historically been. That means the Congress, just 10 years from now, will only control 10 percent of the Federal budget. All the rest of it will be on automatic pilot. That is a startling thing to look forward to.

So as we talk about the stimulus package, we need to pause and pay a little attention to the entitlement spending that will go on and the kind of spending that will be built up, and we are adding to that with this stimulus.

Here it is in the projections of what it will be. It constitutes a wave. Indeed, it has been referred to almost as a tsunami of spending. It is broken down into the three primary sources of mandatory spending, the three biggest entitlements. At the bottom is the one that is the biggest now, and that is Social Security. But Social Security does not grow as fast as the next one, which is Medicare. And then on top of that is Medicaid. One can see this tsunami of spending will take our mandatory spending, which at the moment is less than 10 percent of GDP, up to more than 20 percent of GDP.

Let me show another chart that illustrates the same point in a slightly different way. You have the same entitlements. We have added in this chart discretionary spending. The solid line across is the average revenue of the Federal Government. It is recorded in percentage of GDP. We have historically had a revenue average of 18.4 percent of GDP. As we can see in 2007, the expenditures were slightly above that line. The largest portion of the expenditure was the combination of defense and nondefense discretionary spending. But the projection, as you go out, you see that at some point the entitlements will take over every dime we take in. The largest portion of it will be Medicare. Social Security will still be there. Medicaid will still be there. Discretionary spending will shrink even further as a percentage of what we are dealing with.

Why is this happening? Is this some kind of a plot that somebody is involved in? No. This is a result of the demographic changes that are occurring in our country. This chart summarizes it with the headline: ''Americans Are Getting Older.''

If you go back to 1950, the percentage of Americans who were age 65 or older was about 7 percent. It grew, the percentage, at a relatively slow level and then actually began to shrink. Why did it begin to shrink, the percentage of Americans 65 and over? This is a reflection of the Great Depression. People had fewer children in the Great Depression. So it follows that 65 years later, there were fewer people who were of retirement age. But following the Great Depression, you had the Second World War and then, when people came home from war, you had what historians refer to as the baby boom. All of those who came as a consequence of that are called the boomers.

Starting in 2008, which is now history, the line started upward in a dramatic fashion. In the next 20 years, we are going to see something happen that has never happened in American history. In the next 20 years, the percentage of Americans who are over 65 is going to double. That is what is driving all the numbers I put up before, all the changes in entitlement spending. These people are already born. This is not a projection that depends on guesses. This is something we can be sure of because the demographics of these folks are already there.

Now the projection is that 20 years from now, when the baby boomers finish retiring, the rate of increase will slow down again and go back to the somewhat gentle rate it was before we got into this situation. But that is the reality we are dealing with. In the next 20 years, the percentage of Americans who are 65 or over is going to double.

Let's look at some of the detail behind these demographics. Seniors are living longer. Not only are we going to get more of them, but they are living longer. That is why that trend is not going to turn down once the baby boomers have been absorbed. If you go back to 1940, after you reached 65 in 1940, if you were a male, your life expectancy was another 12 years, female 13. The chart shows how it has changed. Now if you are male and you reach 65, your life expectancy is another 16 years. If you are female, it is another 19 years. And roughly a short decade away, a male will go to 18 and female to 21. That means all the entitlement programs geared toward our senior citizens are going to be tapped into for many more years than was the case when they were put in place.

If we go back to the history of Social Security, we realize Social Security was something of a lottery. When Social Security started in the 1930s, roughly half of American workers did not survive until they were 65. So it was a lottery with 100 percent of the people paying in and only 50 percent taking anything out. Those who paid in got nothing for having done so. Those who survived to 65 got the benefit of their survival. Now you see they are living longer today, something like 75 or 80 percent of workers who join the workforce at age 20 are still alive at 65, so the lottery doesn't work anymore. Instead of half the people paying into the lottery, not getting anything out, you have more than three-quarters of the people who pay into the lottery getting something out. Then, once they get it, they get it for longer. The life expectancy of Americans is going up, as was shown in the last chart. This

shows the trend lines for male and female.

Again, in 1940, the life expectancy of Americans who had reached 65 was, for males, about 75. When we get out into the future, it will be 86. Put those two facts together. More people survive to 65 and, then, more people who get into the pool over 65 stay there for more years.

All this means that the financial structure of Social Security is simply unsustainable. Social Security cannot deal with these demographic changes. This is not a Republican plot or a Democratic plot. This is the demographics of the reality of the fact that Americans are healthier, living longer, and surviving to older age. So you get this reaction to the Social Security situation.

We go to the next chart that shows how Social Security works, in terms of the lottery I was discussing. In 1945, the program was still in its infancy. So this is a bit of a distortion. There were 42 people working and paying into the program for every one retiree drawing out. As the program matured and more and more of the workers retired, this number very appropriately came down. By 1950, there were still 17 workers paying into the program for every one retiree drawing out. Today there are three workers paying into the program for every one drawing out. With the demographic realities I described in the previous charts, we are looking at a time when there will be two workers for every retiree. That means, if the retiree is going to take out $1,000 a month, each worker has to be putting in $500 a month in order to make that happen and for a long period of time. This is how we have dealt with this demographic change throughout our history. We have dealt with it by raising taxes. Every step along the way, as the number of workers to retirees has gone down, the amount of taxes every worker pays has gone up.

Here is the history of the payroll tax increases: In 1937, you paid taxes on $3,000. That was it. Now it is $106,000. It has gone up and up all the way through.

This is unsustainable. You cannot continue to deal with the demographic changes in Social Security by simply ratcheting up the taxes. You have to do something to stabilize Social Security in a way that it will be there for our children and our grandchildren.

There is a reported survey—I have seen it many places, but I have never seen the source—that says a poll shows that among the young people in America, more believe in the existence of UFOs than believe Social Security will be available for them when they retire. I have grandmothers come up to me spontaneously on the streets in Utah and tell me how concerned they are their children and grandchildren will not have Social Security. I have people entering the workforce who come to me and say: Senator, my biggest question is, Will Social Security be there for me? And, increasingly, people are sure it is not.

The legislation I introduce today is geared to make sure Social Security will be there for our children and our grandchildren and that it will be there at roughly the same level it is for us; that is, they will not have to accept significantly less than we accept in order to make this program work.

How do we do that in the face of this demographic challenge? How is that possible? Well, one of our colleagues in the Senate for many years, Senator Pat Moynihan of New York, had the answer. Senator Moynihan looked back on how Social Security benefits were calculated, and he said: We calculate the increase in Social Security benefits on the wrong base. I do not want to get too technical, but the term that applies is ''wage-based'' increases for cost of living. Senator Moynihan pointed out the cost of living is not going up as rapidly as wages are. So if we would just adjust the base from wage base to cost-of-living base, a true cost-of-living base—that means we would slow down the rate of growth in benefits, and in slowing down the rate of growth in benefits in that fashion, we would solve the problem. It would become solvent.

That is fine. But what if you are someone who depends upon Social Security as your sole source of retirement? It was never intended that would be the case when it was put in place, but it has become that way for too many Americans. If they were to give up the benefit that comes from an overpayment—that is the form of wage-based adjustments—to go to the true payment of cost of increasing, which is the cost of the Consumer Price Index, it would hurt them. They would give up significant benefits. On the other hand, if you look at people such as Warren Buffett and Oprah Winfrey, they do not really need to have Social Security go beyond the true increase in cost of living.

So the solution is to say, for those who are at the bottom of the economic ladder, we keep Social Security benefits exactly as they are. For Warren Buffett and Oprah Winfrey and those who are at the exact top end of the economic ladder, we take Senator Moynihan's idea and we put it in place and say: You will have to struggle by with a Social Security plan based on the actual increase in cost of living rather than an inflated increase in cost of living.

What about those of us who are in between, the people at the bottom and the people at the very top? For those of us who fall in between those two areas, we get a mix, a blend, if you will, of wage base or cost-of-living base. It is called progressive indexing. All of the details are available in hearings that have been held on this subject which I chaired when I was chairman of the Joint Economic Committee and in other publications that have addressed this question.

What will this do to the actual benefits of the people in Social Security? We have asked the Social Security Administration to tell us. Now, again, these are projections, and as projections, they are subject to some kind of challenge. But they are the best analysis that people can make.

We start out with people who are currently 55; that is, only 10 years away from the 65 retirement date, although Social Security, by the time they get there, will be at 67. But what is going to happen to them under the bill I am introducing?

As shown on this chart, the dark bar is what a 2009 retiree will get. The red bar is what a 2019 retiree will get. These are in constant dollars; that is, an adjustment has been made for inflation. You see in every instance, the 2019 retiree will get more than the 2009 retiree.

Now, this is for the low earner. These are the people who are at the bottom third of our economic structure. Then the medium earner, and the high earner. So you see, in every case, people are made whole and protected.

This last chart is for the max earner, the maximum earner, who, quite frankly, probably does not exist. That would assume that somebody entered the workforce at age 20, earned $106,000 a year the first year, and continued to earn that level going on up through his entire career. The maximum he could possibly draw from Social Security: that would be that one.

But 82 percent of Americans fall in these two categories. So for someone age 55, under this bill, they come out just fine. They have nothing they should worry about.

Well, what about somebody who is 45, a little bit younger? What happens to them? Again, these are the estimates made by the Social Security Administration. Once again, the low earners, they do better under the Bennett plan. The medium earners, they do better under the Bennett plan. The high earners, virtually the same under the Bennett plan.

We can make the statement that we are going to hold everybody harmless. We will adjust Social Security in a way that makes it solvent, while at the same time preserving the same level of benefits we have for those of us who are currently drawing Social Security benefits, and we can see the same level of benefits would be available to those who come after us.

We will reach out all the way to 2075 and see what the estimates are from the Social Security Administration. These are people who will be born in 2010. It is a little hard to make a projection as to how much money they will have when they are not alive yet, but the projections are made.

Once again, under the bill I am introducing today, in 2075, the people at the bottom will do substantially better comparing today's benefit of $800 to the potential benefit of nearly $1,300 because they are the ones who are held harmless in the way Social Security benefits are currently calculated. So

they will get a significant position of significantly greater benefit than they do under current law. The medium earner—well, they also will do better. The high earner also will do better. Even the max earner will come out essentially the same.

Now, I cannot guarantee these numbers. You cannot guarantee with any certainty what the numbers are going to be in 2075. But the fact is that the Social Security Administration, looking over a past version of this bill I have introduced, has said everyone can look forward with some certainty—this is my description of it, not their words—everyone can look forward with some certainty to seeing that his or her Social Security benefits will be roughly the same as the benefits that are being paid to retirees today, and the system will be solvent, not requiring any increase in taxes throughout the life of the system.

We have had a lot of debates about Social Security, and we have had a lot of proposals about Social Security. To my knowledge, this is the only one that can say the two things I have just said; that is, that everybody's benefit, wherever they fall on the economic continuum, will be held at roughly the same level as today's benefit—in the case of the low earners, substantially better—and it can be done without raising any taxes. That is why we call this the Social Security Solvency Act.

Let me go back to the charts I put up in the beginning to stress once again the importance of bringing entitlements under control.

As shown on this chart, this is where we were in 1966 before entitlements started to get out of control. We in the Congress controlled 23 percent of the budget in nondefense discretionary spending and 44 percent of the budget in defense spending. So we controlled the majority. Today, we have shrunk that to the point where we control only 17 percent of the Federal budget, with 21 percent for defense spending, and the mandatory and interest costs have grown to a majority—a significant majority. Looking ahead just 10 years, if we do not do something about the entitlements, the mandatory spending will be 61 percent, 71 percent when you add interest costs. If you divide defense and nondefense in this historic pattern, we will only have 15 percent of the entire Federal budget under our control for nondefense discretionary spending.

We are talking about the largest single expenditure in our peacetime history. As we adopt it, we should do so against the backdrop of what we are looking at in mandatory spending down the road and realize if we are going to be able to afford this stimulus package, we have to have the courage to tackle mandatory spending at the same time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before he leaves the floor, I simply want to say to Senator BENNETT, my partner lo these many years in the bipartisan effort to fix health care, how much I appreciate his leadership on the Social Security issue.

I think everybody understands what the demographics are all about. In fact, the demographics on Social Security are very similar to the demographics on health care. Yet Senator BENNETT has been out there prosecuting the case of trying to bring the Senate together for a bipartisan approach on Social Security, just as we have sought to do on health care.

I want to let the Senator from Utah know how much I am looking forward to working with him on this issue. I think he knows there are a number of us who believe this is going to take a bipartisan effort. Like most of the big issues, if you are going to get an enduring reform, bring the country together, you have to take the pursuit that Senator BENNETT has followed, which is to do your homework and get the financial underpinnings in place.

I commend my colleague for all his effort to zero the attention of the Senate in on the Social Security question. I am looking forward to working with him in partnership on this issue as well as continuing our health care effort.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank my friend and colleague from Oregon for his kind words. He was not here when I put up one chart which has now been taken away that showed the tsunami of entitlement spending, consisting of a band of three programs. The largest portion of that tsunami band was made up of health care spending. I will confess to having taken the easy route. Social Security is the easiest one to fix because we can make the kinds of changes I described here that go back to the effort started by Senator Moynihan.

Here is the chart. We can see Social Security is the easy one and eventually the small one. Medicare and Medicaid are the ones that are going to overwhelm us. They are the most difficult ones to fix.

So I am honored to have the Senator from Oregon say what he has to say because he has been the leader in recognizing that this challenge; that is, the challenge of dealing with the health care costs, is the tougher challenge, but, as with most tough challenges, it is also the one that will produce the biggest reward. It is where the biggest opportunity lies.

As I have said many times and repeated here on the floor of the Senate, one of the things I realized while working with the Senator from Oregon is that the best way to get all of these costs under control and turn these lines downward is to get quality going in our health care program. The bill I have had the honor to cosponsor, along with the Senator from Oregon, is focused on getting proper quality into our health care system.

If the Senator from Oregon is successful, with whatever help I can give him along with those others who have joined us, he will have made a significant contribution to our country, not only in terms of the benefits that come from having done health care right but from the economic impact of having done health care right. He will have made it possible for us to even consider such expenditures as a target in the stimulus package because this is the backdrop against which we are going to have to pay for those. So I thank the Senator from Oregon for his kind words, but I thank him even more for his valiant effort and his leadership on the whole issue of trying to deal with the health care challenge.

Mr. WYDEN. Mr. President, I would close this discussion with Senator BENNETT by saying that I think, having listened to his comments with respect to Social Security and knowing of our work together on health care, if anything, we have seen during this last couple of weeks of discussion about the economic stimulus how important it is going to be to bring the Senate together in the months ahead in a bipartisan way to tackle these most significant economic questions. You are not going to fix Social Security and you are not going to fix health care on a narrowly partisan approach. The Senator has made that clear with the ideas he has advanced on Social Security.

It is a pleasure to team up with the Senator on health care. I look forward to joining with him in following up on the Social Security proposal he has made this afternoon. I thank him for his work.

Mr. BENNETT. Mr. President, I again stress how grateful I am to the Senator for his leadership and how happy I am to be one of his cadre of loyal followers on this issue.

By Mr. CASEY (for himself and Mr. GRASSLEY):

S. 429. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce, along with my colleague Senator GRASSLEY, the EAT SAFE Act of 2009. Our bill is an important piece of foodsafety legislation that brings common sense solutions to give Americans peace of mind that the foods they eat and give their families is safe to consume.

We continue to see major problems in our food safety systems. Most recently, there was both contaminated salsa and a massive peanut butter recall. Two years ago, there was the major recall of animal feed and pet food that contained contaminated Chinese gluten. These examples highlight the need for action to ensure the safety of both domestic and foreign food products. Ensuring the safety of food products and food ingredients brought into this country from other nations has taken on a greater urgency.

A report issued in September 2007 by the Interagency Working Group on Import Safety stated that, ''aspects of our present import system must be strengthened to promote security, safety, and trade for the benefit of American consumers.'' The EAT SAFE Act that we are reintroducing today is designed to address one of those critical aspects of the food and agricultural import system that, in the face of the mounting imported food safety crisis, has received little public focus. That issue is food and other agricultural products that are being smuggled into the United States.

When many people think of food smuggling, they likely think of it as something that occurs when travelers attempt to bring small amounts of foreign food or agricultural products into the U.S. by concealing it in their vehicles, luggage, or other personal affects. While this type of smuggling is unquestionably a problem that U.S. authorities must and do address, the larger threat of smuggled food and agricultural products comes from the companies, importers, and individuals who circumvent U.S. inspection requirements or restrictions on imports of certain products from a particular country.

The ways in which these companies, importers, and individuals circumvent the system can happen in any number of ways. Many times smuggled products are intentionally mislabeled and bear the identification of a product that can legally enter the country. Other times, smuggled products gain import entry through falsifying the products' countries of origin. And, many times, products that have previously been denied entry are later ''shopped around,'' that is, presented to another U.S. port of entry in the effort to gain importation undetected.

Just some examples of prohibited products discovered in commerce in the United States in recent years include duck parts from Vietnam and poultry products from China, both nations with confirmed human cases of avian influenza; unpasteurized raw cheeses from Mexico containing a bacterium that causes tuberculosis; strawberries from Mexico contaminated with Hepatitis A; and mislabeled puffer fish from China containing a potentially deadly toxin. These smuggled food and agriculture products present safety risks to our food, plants, and animals, and pose a threat to our Nation's health, economy, and security.

The EAT SAFE Act addresses these serious risks by applying commonsense measures to protect our food and agricultural supply. This legislation authorizes funding for the U.S. Department of Agriculture and the Food and Drug Administration to bolster their efforts by hiring additional personnel to detect and track smuggled products. It also authorizes funding to provide food safety cross training for Homeland Security Agricultural Specialists and agricultural cross training for Customs' Border Patrol Agents to ensure that those men and women working on the front lines are knowledgeable about these serious food and agricultural threats.

In addition to focusing on increased personal and training, the EAT SAFE Act also seeks to increase importer accountability. The legislation requires private laboratories conducting tests on FDA-regulated products on behalf of importers to apply for and be certified by FDA. It also imposes civil penalties for laboratories or importers who knowingly or conspire to falsify imported product laboratory sampling and for importers who circumvent the USDA import reinspection system.

Finally, the EAT SAFE Act will also ensure increased public awareness of smuggled products, as well as recalled food products, by requiring the USDA and FDA to provide this information to the public in a timely and easily searchable manner.

These commonsense measures are an important first step towards safeguarding American's food and agricultural supply and ensuring our Nation's health, economy, and security. I urge all of my colleagues to support this legislation.

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

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

S. 429

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) the safety of the food supply of the United States is vital to—

(A) the health of the citizens of the United States;

(B) the preservation of the confidence of those citizens in the food supply of the United States; and

(C) the success of the food sector of the United States economy;

(2) the United States has the safest food supply in the world, and maintaining a secure domestic food supply is imperative for the national security of the United States;

(3) in a report published by the Government Accountability Office in January 2007, the Comptroller General of the United States described food safety oversight as 1 of the 29 high-risk program areas of the Federal Government; and

(4) the task of preserving the safety of the food supply of the United States is complicated by pressures relating to—

(A) food products that are smuggled or imported into the United States without being screened, monitored, or inspected as required by law; and

(B) the need to improve the enforcement of the United States in reducing the quantity of food products that are—

(i) smuggled into the United States; and

(ii) imported into the United States without being screened, monitored, or inspected as required by law.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Food and Drug Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Animal and Plant Health Inspection Service.

(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(4) FOOD DEFENSE THREAT.—The term ''food defense threat'' means any intentional contamination, including any disease, pest, or poisonous agent, that could adversely affect the safety of human or animal food products.

(5) SMUGGLED FOOD PRODUCT.—The term ''smuggled food product'' means a prohibited human or animal food product that a person fraudulently brings into the United States.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. FOOD SAFETY TRAINING, PERSONNEL, AND COORDINATION.

(a) DEPARTMENT.—

(1) TRAINING PROGRAMS.—

(A) AGRICULTURAL SPECIALISTS.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate each Federal employee who is employed in a position described in section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) on issues relating to food safety and agroterrorism.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,700,000.

(B) CROSS-TRAINING OF EMPLOYEES OF UNITED STATES CUSTOMS AND BORDER PROTECTION.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate border patrol agents employed by the United States Customs and Border Protection of the Department of Homeland Security about identifying human, animal, and plant health threats and referring the threats to the appropriate agencies.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $4,800,000.

(2) ILLEGAL IMPORT DETECTION PERSONNEL.—Subtitle G of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6981 et seq.) is amended by adding at the end the following:

''SEC. 263. FOOD SAFETY PERSONNEL AND TRAINING.

''(a) ADDITIONAL EMPLOYEES.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2009, the Secretary shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Food Safety and Inspection Service as of October 1, 2007, by 100 employees, in order to—

''(1) provide additional detection of food defense threats;

''(2) detect, track, and remove smuggled human food products from commerce; and

''(3) impose penalties on persons or organizations that threaten the food supply.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.''.

(b) ADMINISTRATION.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. FOOD SAFETY PERSONNEL AND TRAINING.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2009, the Secretary shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Food and Drug Administration as of October 1, 2007, by 150 employees, in order to—

''(1) provide additional detection of food defense threats;

''(2) detect, track, and remove smuggled food products from commerce; and

''(3) impose penalties on persons or organizations that threaten the food supply.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

(c) COORDINATION OF FEDERAL AGENCIES.—Section 411(b) of the Homeland Security Act of 2002 (6 U.S.C. 211(b)) is amended by adding at the end the following:

''(4) COORDINATION OF FEDERAL AGENCIES.—The Commissioner of United States Customs and Border Protection, in coordination with the Secretary of Agriculture and the Commissioner of Food and Drugs, shall conduct activities to target, track, and inspect shipments that—

''(A) contain human and animal food products; and

''(B) are imported into the United States.''.

SEC. 5. REPORTING OF SMUGGLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the public notification describing the food product identified by the Department and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary shall provide public notification under subparagraph (A) through—

(i) a news release of the Department for each smuggled food product identified by the Department;

(ii) a description of each smuggled food product on the website of the Department;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the Department of Homeland Security notification of the smuggled food product.

(b) ADMINISTRATION.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the public notification describing the smuggled food product identified by the Administration and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary of Health and Human Services shall provide public notification under subparagraph (A) through—

(i) a press release of the Administration for each smuggled food product identified by the Administration;

(ii) a description of each smuggled food product on the website of the Administration;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary of Health and Human Services under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary of Health and Human Services.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the Department of Homeland Security notification of the smuggled food product.

SEC. 6. CIVIL PENALTIES RELATING TO ILLEGALLY IMPORTED MEAT AND POULTRY PRODUCTS.

(a) MEAT PRODUCTS.—Section 20(b) of the Federal Meat Inspection Act (21 U.S.C. 620(b)) is amended—

(1) by striking ''(b) The Secretary'' and inserting the following:

''(b) DESTRUCTION; CIVIL PENALTIES.—

''(1) DESTRUCTION.—The Secretary''; and

(2) by adding at the end the following:

''(2) CIVIL PENALTIES.—Each individual or entity that fails to present each meat article that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each meat article that the individual or entity fails to present to the inspection facility.''.

(b) POULTRY PRODUCTS.—Section 12 of the Poultry Products Inspection Act (21 U.S.C. 461) is amended—

(1) by striking the section heading and all that follows through ''(a) Any person'' and inserting the following:

''SEC. 12. PENALTIES.

''(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN SECTIONS.—

''(1) IN GENERAL.—Any person''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) FAILURE TO PRESENT POULTRY PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each poultry product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each poultry product that the individual or entity fails to present to the inspection facility.''.

(c) EGG PRODUCTS.—Section 12 of the Egg Products Inspection Act (21 U.S.C. 1041) is amended—

(1) by striking the section heading and all that follows through ''(a) Any person'' and inserting the following:

''SEC. 12. PENALTIES.

''(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN PROHIBITED ACTIONS.—

''(1) IN GENERAL.—Any person''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) FAILURE TO PRESENT EGG PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each egg product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each egg product that the individual or entity fails to present to the inspection facility.''.

SEC. 7. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.), as amended by section 4(b), is amended by adding at the end the following:

''SEC. 419. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

''(a) DEFINITION OF FOOD SAFETY LAB.—In this section, the term 'food safety lab' means an establishment that conducts testing, on behalf of an importer through a contract or other arrangement, to ensure the safety of articles of food.

''(b) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—A food safety lab shall submit to the Secretary an application for certification. Upon review, the Secretary may grant or deny certification to the food safety lab.

''(2) CERTIFICATION STANDARDS.—The Secretary shall establish criteria and methodologies for the evaluation of applications for certification submitted under paragraph (1). Such criteria shall include the requirements that a food safety lab—

''(A) be accredited as being in compliance with standards set by the International Organization for Standardization;

''(B) agree to permit the Secretary to conduct an inspection of the facilities of the food safety lab and the procedures of such lab before making a certification determination;

''(C) agree to permit the Secretary to conduct routine audits of the facilities of the food safety lab to ensure ongoing compliance with accreditation and certification requirements;

''(D) submit with such application a fee established by the Secretary in an amount sufficient to cover the cost of application review, including inspection under subparagraph (B); and

''(E) agree to submit to the Secretary, in accordance with the process established under subsection (c), the results of tests conducted by such food safety lab on behalf of an importer.

''(c) SUBMISSION OF TEST RESULTS.—The Secretary shall establish a process by which a food safety lab certified under this section shall submit to the Secretary the results of all tests conducted by such food safety lab on behalf of an importer.''.

(b) ENFORCEMENT.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (7), (8), and (9), respectively;

(2) by inserting after paragraph (4) the following:

''(5) An importer (as such term is used in section 419) shall be subject to a civil penalty in an amount not to exceed $25,000 if such importer knowingly engages in the falsification of test results submitted to the Secretary by a food safety lab certified under section 419.

''(6) A food safety lab certified under section 419 shall be subject to a civil penalty in

an amount not to exceed $25,000 for knowingly submitting to the Secretary false test results under section 419.'';

(3) in paragraph (2)(C), by striking ''paragraph (5)(A)'' and inserting ''paragraph (7)(A)'';

(4) in paragraph (7), as so redesignated, by striking ''or (4)'' each place it appears and inserting ''(4), (5), or (6)'';

(5) in paragraph (8), by striking ''paragraph (5)(A)'' and inserting ''paragraph (7)(A)''; and

(6) in paragraph (9), as so redesignated, by striking ''paragraph (6)'' each place it appears and inserting ''paragraph (8)''.

SEC. 8. DATA SHARING.

(a) DEPARTMENT OF AGRICULTURE MEMORANDA OF UNDERSTANDING.—The Secretary shall ensure that the agencies within the Department of Agriculture, including the Food Safety and Inspection Service, the Agricultural Research Service, and the Animal and Plant Health Inspection Service, enter into a memorandum of understanding to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

(b) INTERAGENCY MEMORANDUM OF UNDERSTANDING.—The Secretary, in collaboration with the Secretary of Health and Human Services, shall enter into a memorandum of understanding between the agencies within the Department of Agriculture, including those described in subsection (a), and the agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention and the Food and Drug Administration, to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

SEC. 9. PUBLIC NOTICE REGARDING RECALLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) NEWS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Department is voluntarily recalled, the Secretary shall provide to the public a news release describing the human or animal food product.

(B) CONTENTS.—Each news release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Department that is voluntarily recalled.

(2) WEBSITE.—The Secretary shall modify the website of the Department to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Department is voluntarily recalled, a news release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a news release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Department that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—To meet the requirement under paragraph (1)(A), the Secretary—

(A) may provide to the public a press release issued by a State; and

(B) shall not provide to the public a press release issued by a private industry entity in lieu of a press release issued by the Federal Government or a State.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary may not delegate, by contract or otherwise, the duty of the Secretary—

(A) to provide to the public a news release under paragraph (1); and

(B) to make any required modification to the website of the Department under paragraph (2).

(b) ADMINISTRATION.—

(1) PRESS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Administration is voluntarily recalled, the Secretary of Health and Human Services shall provide to the public a press release describing the human or animal food product.

(B) CONTENTS.—Each press release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Administration that is voluntarily recalled.

(2) WEBSITE.—The Secretary of Health and Human Services shall modify the website of the Administration to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Administration is voluntarily recalled a press release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a press release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary of Health and Human Services; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Administration that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—For purposes of meeting the requirement under paragraph (1)(A), the Secretary of Health and Human Services—

(A) may provide to the public a press release issued by a State; and

(B) may not provide to the public a press release issued by a private industry entity in lieu of a press release issued by a State or the Federal Government.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary of Health and Human Services may not delegate, by contract or otherwise, the duty of the Secretary of Health and Human Services—

(A) to provide to the public a press release under paragraph (1); and

(B) to make any required modification to the website of the Administration under paragraph (2).

SEC. 10. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by adding after section 412 (7 U.S.C. 7632) the following:

''SEC. 413. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Food Safety and Inspection Service.

''(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Food and Drugs.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) the government of a State (including a political subdivision of a State);

''(B) an educational institution;

''(C) a private for-profit organization;

''(D) a private non-profit organization; and

''(E) any other appropriate individual or entity, as determined by the Secretary.

''(b) ESTABLISHMENT.—The Secretary (acting through the Administrator of the Cooperative State Research, Education, and Extension Service), in consultation with the Administrator and the Commissioner, shall establish and administer a competitive grant program to provide grants to eligible entities to enable the eligible entities to carry out educational outreach partnerships and programs to provide to health providers, patients, and consumers information to enable those individuals and entities—

''(1) to recognize—

''(A) foodborne illness as a serious public health issue; and

''(B) each symptom of foodborne illness to ensure the proper treatment of foodborne illness;

''(2) to understand—

''(A) the potential for contamination of human and animal food products during each phase of the production of human and animal food products; and

''(B) the importance of using techniques that help ensure the safe handling of human and animal food products; and

''(3) to assess the risk of foodborne illness to ensure the proper selection by consumers of human and animal food products.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000 for fiscal year 2009 and each fiscal year thereafter.''.

Mr. GRASLEY. Mr. President, today I rise to speak about the EAT SAFE Act which I am once again cosponsoring with Senator CASEY.

It seems like all too often we have a new food safety problem. It might be contaminated food right here at home, or tainted goods coming in from other countries.

Now, as everyone in this body knows, I am a family farmer. And I take pride in the food that I grow on my farm that helps to feed the world. I have never met a farmer who didn't want to produce safe food.

Many of us in Congress are parents and grandparents. We are always looking at the foods we buy to stock our shelves because we know it will impact the health of our loved ones. And so, everyone in this body should have the same goal in protecting our food supply.

That is why the senator from Pennsylvania and I have seen the importance of introducing a bipartisan food safety bill.

As part of our national security, we require a safe and secure food supply. The importers of food into the U.S. have a duty to make sure what they supply is safe. At the same time, with trillions of dollars worth of products being imported into the U.S. every year, we need to make sure that our inspectors can handle the workload.

The EAT SAFE Act puts an emphasis on training and personnel. We authorize funding for both the Food and Drug Administration and the U.S. Department of Agriculture to hire additional personnel to detect and track smuggled food and a agricultural products. The bill would also crosstrain Department of Homeland Security border patrol agents and agricultural specialists on food safety since they are our first line of defense to imported threats.

In addition, our bill requires private laboratories conducting tests on FDA-regulated products on behalf of importers, to apply for and be certified by FDA. It directs FDA to develop a determination, certification, and audit process for these private laboratories, and authorizes FDA to collect user fees to cover certification costs. Finally, it imposes civil penalties for laboratories and importers who knowingly falsify laboratory sampling results and for importers who circumvent the USDA import reinspection system.

Consumer confidence in America's food supply has always been high. But as each week passes with a recall on something in our fridges and pantries, that consumer confidence is slipping.

I believe this bill helps alleviate the threats from imported products and puts reliability into private lab testing. FDA does not have the resources as we have seen with the recent peanut products recall to fully monitor all the threats against our food supply.

I hope the introduction of this bill will get the seeds planted on what is sure to be a comprehensive look at our Nation's food system. I urge my colleagues to join Senator CASEY and me and support this important legislation.

By Mr. INHOFE:

S. 430. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I am introducing a bill to reauthorize the Economic Development Administration, EDA. EDA works with partners in economically distressed communities to create wealth and minimize poverty by promoting favorable business environments to attract private investment and encourage long-term economic growth. Authorization of EDA's programs expired on September 30, 2008. I originally introduced this bill in July 2008 so that we could avert this lapse in authorization. Unfortunately, my bill was never enacted, so I am reintroducing it today.

Unlike the majority of the spending in the so-called ''stimulus'' bill passed by the Senate earlier this week, EDA investments actually provide economic benefits. In fact, studies show that EDA uses federal dollars efficiently and effectively, creating and retaining long-term jobs at an average cost that is among the lowest in government. Knowing that, I was pleased to see some funding for EDA included in that massive spending bill; I only wish more of that bill had been legitimate economic stimulus.

Last year, I was disappointed to see an Obama campaign document refer to EDA as wasteful and ineffective government spending and propose cutbacks in funding for the agency. While I, too, am committed to eliminating wasteful spending, I couldn't disagree more with that characterization of EDA.

In my home State of Oklahoma, for example, EDA has worked long and hard with many communities in need to bring in private capital investment and jobs. Durant, Clinton, Oklahoma City, Seminole, Miami and Elgin are just some of the Oklahoma communities that have made good use of EDA assistance. In fact, over the past six years, EDA grants awarded in my home state have resulted in more than 9,000 jobs being created or saved. With an investment of about $26 million, we have leveraged another 30 million in State and local dollars and more than 558 million in private sector dollars. I would call that a wonderful success story.

Particularly in these difficult economic times, we should be doing all we can to ensure the continuation of such successful programs, and reauthorization is an important step. I hope now-President Obama reconsiders the rhetoric of then-candidate Obama and recognizes the effectiveness and importance of this agency. I look forward to working with my colleagues here in the Senate, as well as in the House of Representatives, to reauthorize the programs of the Economic Development Administration as quickly as possible.

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

S. 430

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 ''Economic Development Administration Reauthorization Act of 2009''.

SEC. 2. ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended by adding at the end the following:

''(e) EXCELLENCE IN ECONOMIC DEVELOPMENT AWARDS.—

''(1) ESTABLISHMENT OF PROGRAM.—To recognize innovative economic development strategies of national significance, the Secretary may establish and carry out a program, to be known as the 'Excellence in Economic Development Award Program' (referred to in this subsection as the 'program').

''(2) ELIGIBLE ENTITIES.—To be eligible for recognition under the program, an entity shall be an eligible recipient that is not a for-profit organization or institution.

''(3) NOMINATIONS.—Before making an award under the program, the Secretary shall solicit nominations publicly, in accordance with such selection and evaluation procedures as the Secretary may establish in the solicitation.

''(4) CATEGORIES.—The categories of awards under the program shall include awards for—

''(A) urban or suburban economic development;

''(B) rural economic development;

''(C) environmental or energy economic development;

''(D) economic diversification strategies that respond to economic dislocations, including economic dislocations caused by natural disasters and military base realignment and closure actions;

''(E) university-led strategies to enhance economic development;

''(F) community- and faith-based social entrepreneurship;

''(G) historic preservation-led strategies to enhance economic development; and

''(H) such other categories as the Secretary determines to be appropriate.

''(5) PROVISION OF AWARDS.—The Secretary may provide to each entity selected to receive an award under this subsection a plaque, bowl, or similar article to commemorate the accomplishments of the entity.

''(6) FUNDING.—Of amounts made available to carry out this Act, the Secretary may use not more than $2,000 for each fiscal year to carry out this subsection.''.

SEC. 3. ENHANCEMENT OF RECIPIENT FLEXIBILITY TO DEAL WITH PROJECT ASSETS.

(a) REVOLVING LOAN FUND PROGRAM FLEXIBILITY.—Section 209(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(d)) is amended by adding at the end the following:

''(5) CONVERSION OF PROJECT ASSETS.—

''(A) REQUEST.—If a recipient determines that a revolving loan fund established using assistance provided under this section is no longer needed, or that the recipient could make better use of the assistance in light of the current economic development needs of the recipient if the assistance was made available to carry out any other project that meets the requirements of this Act, the recipient may submit to the Secretary a request to approve the conversion of the assistance.

''(B) METHODS OF CONVERSION.—A recipient the request to convert assistance of which is approved under subparagraph (A) may accomplish the conversion by—

''(i) selling to a third party any assets of the applicable revolving loan fund; or

''(ii) retaining repayments of principal and interest amounts on loans provided through the applicable revolving loan fund.

''(C) REQUIREMENTS.—

''(i) SALE.—

''(I) IN GENERAL.—Subject to subclause (II), a recipient shall use the net proceeds from a sale of assets under subparagraph (B)(i) to pay any portion of the costs of 1 or more projects that meet the requirements of this Act.

''(II) TREATMENT.—For purposes of subclause (I), a project described in that subclause shall be considered to be eligible under section 301.

''(ii) RETENTION OF REPAYMENTS.—Retention by a recipient of any repayment under subparagraph (B)(ii) shall be carried out in accordance with a strategic reuse plan approved by the Secretary that provides for the increase of capital over time until sufficient amounts (including interest earned on the amounts) are accumulated to fund other projects that meet the requirements of this Act.

''(D) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions regarding a proposed conversion of the use of assistance under this paragraph as the Secretary determines to be appropriate.

''(E) EXPEDIENCY REQUIREMENT.—The Secretary shall ensure that any assistance intended to be converted for use pursuant to this paragraph is used in an expeditious manner.

''(6) PROGRAM ADMINISTRATION.—The Secretary may allocate not more than 2 percent of the amounts made available for grants under this section for the development and maintenance of an automated tracking and monitoring system to ensure the proper operation and financial integrity of the revolving loan program established under this section.''.

(b) MAINTENANCE OF EFFORT.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211 et seq.) is amended by adding at the end the following:

"SEC. 613. MAINTENANCE OF EFFORT.

''(a) EXPECTED PERIOD OF BEST EFFORTS.—

''(1) ESTABLISHMENT.—To carry out the purposes of this Act, before providing investment assistance for a construction project under this Act, the Secretary shall establish the expected period during which the recipient of the assistance shall make best efforts to achieve the economic development objectives of the assistance.

''(2) TREATMENT OF PROPERTY.—To obtain the best efforts of a recipient during the period established under paragraph (1), during that period—

''(A) any property that is acquired or improved, in whole or in part, using investment assistance under this Act shall be held in trust by the recipient for the benefit of the project; and

''(B) the Secretary shall retain an undivided equitable reversionary interest in the property.

''(3) TERMINATION OF FEDERAL INTEREST.—

''(A) IN GENERAL.—Beginning on the date on which the Secretary determines that a recipient has fulfilled the obligations of the recipient for the applicable period under paragraph (1), taking into consideration the economic conditions existing during that period, the Secretary may terminate the reversionary interest of the Secretary in any applicable property under paragraph (2)(B).

''(B) ALTERNATIVE METHOD OF TERMINATION.—

''(i) IN GENERAL.—On a determination by a recipient that the economic development needs of the recipient have changed during the period beginning on the date on which investment assistance for a construction project is provided under this Act and ending on the expiration of the expected period established for the project under paragraph (1), the recipient may submit to the Secretary a request to terminate the reversionary interest of the Secretary in property of the project under paragraph (2)(B) before the date described in subparagraph (A).

''(ii) APPROVAL.—The Secretary may approve a request of a recipient under clause (i) if—

''(I) in any case in which the request is submitted during the 10-year period beginning on the date on which assistance is initially provided under this Act for the applicable project, the recipient repays to the Secretary an amount equal to 100 percent of the fair market value of the pro rata Federal share of the project; or

''(II) in any case in which the request is submitted after the expiration of the 10-year period described in subclause (I), the recipient repays to the Secretary an amount equal to the fair market value of the pro rata Federal share of the project as if that value had been amortized over the period established under paragraph (1), based on a straight-line depreciation of the project throughout the estimated useful life of the project.

''(b) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions under this section as the Secretary determines to be appropriate, including by extending the period of a reversionary interest of the Secretary under subsection (a)(2)(B) in any case in which the Secretary determines that the performance of a recipient is unsatisfactory.

''(c) PREVIOUSLY EXTENDED ASSISTANCE.—

''(1) IN GENERAL.—With respect to any recipient to which the term of provision of assistance was extended under this Act before the date of enactment of this section, the Secretary may approve a request of the recipient under subsection (a) in accordance with the requirements of this section to ensure uniform administration of this Act, notwithstanding any estimated useful life period that otherwise relates to the assistance.

''(2) CONVERSION OF USE.—If a recipient described in paragraph (1) demonstrates to the Secretary that the intended use of the project for which assistance was provided under this Act no longer represents the best use of the property used for the project, the Secretary may approve a request by the recipient to convert the property to a different use for the remainder of the term of the Federal interest in the property, subject to the condition that the new use shall be consistent with the purposes of this Act.

''(d) STATUS OF AUTHORITY.—The authority of the Secretary under this section is in addition to any authority of the Secretary pursuant to any law or grant agreement in effect on the date of enactment of this section.''.

SEC. 4. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2009'';

(2) in paragraph (2), by striking ''2005'' and inserting ''2010'';

(3) in paragraph (3), by striking ''2006'' and inserting ''2011'';

(4) in paragraph (4), by striking ''2007'' and inserting ''2012''; and

(5) in paragraph (5), by striking ''2008'' and inserting ''2013''.

SEC. 5. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

Section 704 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3234) is amended to read as follows:

"SEC. 704. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

''(a) IN GENERAL.—Subject to subsection (b), of the amounts made available under section 701 for each fiscal year, not less than $27,000,000 shall be made available to provide grants under section 203.

''(b) SUBJECT TO TOTAL APPROPRIATIONS.—For any fiscal year, the amount made available pursuant to subsection (a) shall be increased to—

''(1) $28,000,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $300,000,000;

''(2) $29,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $340,000,000;

''(3) $31,000,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $380,000,000;

''(4) $32,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $420,000,000; and

''(5) $34,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $460,000,000.''.

By Mr. BINGAMAN (for himself and Mr. MCCAIN):

S. 432. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I am pleased to join with Senator MCCAIN in introducing a bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental Policy Act, both to enhance the Udall Foundation and to honor one of the foremost environmental visionaries of American history, Stewart L. Udall.

The Morris K. Udall Foundation was established by Congress in 1992 to provide federal-funded scholarships to the growing number of students in America who wish to become environmental professionals in the public and private sectors and importantly, to identify and educate new generations of leaders in Indian Country. By now, there are more than 1,100 young Udall Scholars and Udall Native American interns around the country. The educational programs of the Foundation have earned national significance and are among the most sought after on American campuses.

In 1998, Foundation grew to include a new Federal environmental mediation program created by Congress. Named the U.S. Institute for Environmental Conflict Resolution, the agency has played a quiet leading role to find common ground on issues as diverse as Everglades Restoration to the joint tribal-federal management of the National Bison Range Complex. The Institute's small in-house staff, often working in partnership with members of its national roster of mediators, have handled important conflict resolution processes in collaboration with many federal departments including Interior, Defense, USDA Forest Service, and Transportation. Now more than ever, these skills are needed to move infrastructure projects and restore the economy.

The Udall Foundation is also a founder and funder of the Native Nations Institute, NNI, a graduate educator and policy center for Indian Country. NNI teaches a new way of governance on the reservations which embraces tribal identity as a core principle and smart business practices as a way to assist Indian nations rebuild their economies. In the last 5 years, more than 2,000 Native American leaders have benefitted from its courses. New leaders emerging from the Foundation's education programs are beginning to take their places in Tribal governance.

The Udall Foundation's Parks in Focus aims to connect underserved youth to nature through the art of photography. The Foundation organizes week-long trips, introduces members of local Boys & Girls Clubs, many of whom have never before left their communities, to some of the most beautiful natural landscapes in the country; provides them with Canon digital cameras to use and keep; and teaches the basics of photography, ecology, and conservation while exploring national parks, wildlife refuges, and other public lands. The Foundation will be expanding the Parks in Focus program significantly in the coming years.

The proposed legislation includes additional resources for operations of this fine agency as well as renaming it the Morris K. Udall and Stewart L. Udall Foundation, in recognition of the historic Interior Secretary's contributions.

Stewart Udall was Secretary of the Interior under Presidents Kennedy and Johnson, where his accomplishments earned him a special place among those ever to serve in that post and have made him an icon in the environmental and conservation communities. His best-selling book on environmental attitudes in the U.S., The Quiet Crisis, 1963, along with Rachel Carson's Silent Spring, is credited with creating a consciousness in the country leading to the environmental movement.

Stewart's remarkable career in public service has left an indelible mark on the Nation's environmental and cultural heritage. Born in 1920, and educated in Saint Johns, Arizona, Udall attended the University of Arizona for 2 years until World War II. He served 4 years in the Air Force as an enlisted B24 gunner flying 50 missions over Western Europe for which he received the Air Medal with three Oak Leaf Clusters. He returned to the University of Arizona in 1946 where he played guard on a championship basketball team and attended law school. He received his law degree and was admitted to the Arizona bar in 1948. He married Erma Lee Webb during this time. They raised 6 children.

Stewart was elected to the U.S. House of Representatives from Arizona in 1954. He served with distinction in the House for 3 terms on the Interior and Education and Labor committees. In 1960, President Kennedy appointed Stewart Udall Secretary of Interior. In this role, he oversaw the addition of four parks, 6 national monuments, 8 seashores and lakeshores, 9 recreation areas, 20 historic sites and 56 wildlife refuges to the National Park system. During his tenure as the Interior Secretary, President Johnson signed into law the Wilderness Act, the Water Quality Act, the Wild and Scenic Rivers Act and National Trails Bill. Stewart also helped spark a cultural renaissance in America by setting in motion initiatives that led to the Kennedy Center, Wolf Trap Farm Park, the National Endowments for Arts and the Humanities, and the revived Ford's Theatre.

Stewart currently resides in Santa Fe, NM, and will turn 90 years old in the coming year.

The Udall Foundation is an exemplary organization doing remarkable work and I am pleased to support additional resources to this agency. In addition, Stewart displayed significant leadership in helping to enact much of the legislation that protects our environment and lands today as well as being one of the first people to point to problems in the environment. For these and many other reasons, he deserves inclusion in the Foundation on par with his brother, Morris.

I look forward to working with my colleagues to ensure swift passage of this bill.

By Mr. UDALL, of New Mexico (for himself and Mr. UDALL, of Colorado):

S. 433. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of New Mexico. Mr. President, I rise to introduce legislation to establish a Federal renewable electricity standard. Before I talk about what that will do, let me tell you a little bit about the people it will help.

Luna County, NM has a double-digit unemployment rate. More than half of its children live in poverty. It was in recession before our current economic crisis. If nothing changes, it will be in recession long after the rest of the country recovers. Now, let me be clear. Luna County deserves help, but I'm not looking to spend a lot of money. We usually think of economic development as something you pay for. But the proposal I am introducing today does not spend a dime. In fact, my plan will generate tax revenue.

Luna County has something else worth noting. When you look at the United States on a map that measures solar thermal energy, Luna County is red hot. Like hundreds of small communities across our country, Luna has immense untapped potential for renewable energy. If Luna can find a way to sell its sunlight, its future will be secure. But Luna has a problem. America's energy markets do not value Luna's sunlight the way they should. These markets ignore three critical things. First, growing demand and stagnant supply mean rising prices for fossil fuels. The price of natural gas has more than tripled since 1995. Unless we act, we can expect more price spikes in the future, spikes that threaten the economy. But it is easier for utilities to buy a little more natural gas than it is to invest in clean technologies. The result is that we are moving forward as if our energy use is sustainable, when we know it is not.

In most markets, this would be bad enough, but our energy markets have two other problems. Americans care whether our energy comes from farmers in Iowa or mullahs in Iran, but our markets do not. When we buy solar energy from Luna County, we keep our money in this country, and we make ourselves less dependent on countries such as Russia and Iran, countries that have shown their willingness to use our dependence against us. America's energy markets also ignore global climate change. Right now a clean electron produced by the sun costs as much as an electron produced by burning carbon. Our markets don't care whether the energy we consume is leading to fewer farms and more forest fires. They don't care whether our grandchildren will be able to live comfortably on this Earth. They just don't care. And we are paying the price. Even the most conservative economists will tell us that energy is a classic case of market failure. The energy market ignores our economic security, our national security, and the future of our world. Economists call these things externalities. I call them the basis of our way of life.

So what do we do? I am proposing that we demand a little bit more from our utilities. Let's require that they produce 25 percent of their electricity from renewable sources by 2025. Thanks in large part to Senator BINGAMAN, the Senate has already passed a similar proposal three times. Last year I was proud to help pass a proposal such as this in the other body.

Renewable electricity standards have succeeded at the State level. In fact, more than 28 States have renewable standards, including the State of New Mexico. But a national RES has never become the law of the land. It is time for Congress to make it so.

There are many reasons to support this plan. To start, it is good for consumers. Scientists looking at a 20-percent standard concluded that it could save utility customers $31.8 billion. A 25-percent standard would save even more. A renewable energy standard would also strengthen rural communities and provide new income for farmers and ranchers.

This plan will make America safer. The billions of dollars it will generate are dollars that cannot be used to hold our foreign policy hostage.

Most importantly, a national renewable standard will create hundreds of thousands of high-paying jobs, jobs that cannot be outsourced. Study after study shows that shifting capital to renewable energy increases job creation. Not only will this plan stimulate job creation today, it will put us on a path toward dominance in the industries of the future.

Some of my colleagues will probably say a renewable standard makes sense for sunny New Mexico, but it won't work for their States. I urge them to take another look at their States. Scientists predict that Florida could one day meet one-third of its energy needs by tapping the power of the gulf stream. Louisiana has wind energy potential offshore, and New Orleans has already begun to rebuild its economy by creating jobs developing solar energy. Alaska has wind energy potential all over its coast and geothermal potential in the south. The State of Tennessee concluded its existing investment in renewables could yield 4,500 jobs and additional investment could yield 45,000.

Everywhere we look, America has untapped renewable energy potential. But for the sake of argument, let's say that Louisiana might have to import some energy from Florida under a national renewable standard. Louisiana already

imports a big chunk of its energy. As consumption rises, more and more of Louisiana's energy comes from imports. Today those imports come largely from natural gas, and 43 percent of the world's natural gas is under Russia and Iran. So Louisiana is bidding up the price of a commodity that is largely controlled by countries that don't like us. I would rather buy hydropower from Florida than fossil fuels from Iran.

The choice is not between importing and not importing. It is between Charlie Crist and Mahmoud Ahmadinejad. This is not a tough choice.

Of course, some people say they support a renewable standard, but not yet. They say America cannot afford to reduce our contribution to climate change because the growth of China and India will drown out the impact of our emissions reductions. This concern is very real, but it represents a failure of our moral imagination. If we are to have a future as a country and as a global community, we cannot see the world's aspiring middle class as potential threats. We have to see them as potential customers. And we should be racing to develop the technologies they will need.

Waiting for China to address its emissions problem before we address ours is like waiting for an opponent to finish the race before we start to lace up.

Right now, the world is engaged in a high-stakes competition; America just does not always admit it. As the world's citizens see the impact of climate change, we are demanding energy supplies that do not endanger our collective future. That means soon clean energy will not be an alternative, it will be the standard. When that happens, whichever country dominates the clean energy industry will be able to create jobs on a grand scale.

Do not take my word for it. The CEO of GE Energy has testified before the Congress that ''wind and solar energy are likely to be among the largest sources''—largest sources—''of new manufacturing jobs worldwide during the 21st Century.'' Think about what he said:

[W]ind and solar energy are likely to be among the largest sources of new manufacturing jobs. . . .

We hear a lot of discussion on this floor about new manufacturing jobs and us losing manufacturing jobs. Well, this is where the new manufacturing jobs are going to be.

A growing chorus of economists and business leaders agree with what this GE Energy CEO has said.

America cannot afford to let another country become the world's clean energy leader. But right now we are falling behind. Countries that have done much more to shape their energy markets have already created thriving green energy industries. With a population roughly one-quarter as large as America's, Germany has more than twice as many workers developing wind energy technologies. Spain has almost five times as many workers in the solar thermal industry as America. China has more than 300 times as many.

America is not falling behind because our scientists are not smart enough. Some of the big ideas now powering the economies of Europe originated right here. From 1970 to 1996, Los Alamos National Lab developed a technique for cleanly and efficiently using the Earth's heat to generate electricity. Estimates indicated the technique could eventually power the Earth for hundreds of years. But without market incentives to encourage continued development, progress stagnated. Germany took that technology and brought it to market in just 3 years. They now have 150 geothermal plants nearing completion. Think of the jobs that will create. Those could be our jobs. Those should be our jobs.

A renewable electricity standard would let America catch up and take the lead. We still have the world's most productive workers. We still have the most creative entrepreneurs. Our culture encourages individual initiative to solve tough problems. But if we want to win, we have to act now.

The American people are ready for this. I have driven to every county in New Mexico, and everywhere I saw innovation. I saw wind turbines going up in Little Texas. I saw the spot in Deming, NM, where the world's largest solar plant will sit. At Mesalands Community College in Tucumcari, NM, I saw a classroom in a wind turbine hundreds of feet over the desert. Even Luna County is starting to develop its resources. They just need help.

The Federal Government is late to the party. We should be leading the clean energy revolution. Instead, our constituents are leaving us in the dust. The private sector is working hard, but they need us to create a market that supports their efforts. They need a market that values our economic security, our national security, our environmental security.

Mr. President, it is time for us to lead.

Now, you might have noticed that we New Mexicans are passionate about renewable energy. As I said earlier, JEFF BINGAMAN has led on this issue for years. As I said earlier, he has passed a renewable standard in the Senate three times. I introduced this legislation today because I want to help Senator BINGAMAN win this fight. I look forward to working with him and with all of you to get a renewable electricity standard signed into law.

I am also pleased to be introducing this legislation with another Senator, a Senator with a very distinguished last name: my cousin, the senior Senator from Colorado. We spent a decade in the other body together. And much of that time was spent working to pass a renewable electricity standard. We were both attracted to his proposal because it reflects the kind of Western pragmatism that people in Colorado and New Mexico like. I know this issue is important to both of us. I want to thank the Senator for continuing this effort with me, and for his support through the years.

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By Mr. INHOFE:

S.J. Res. 10. A joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

Mr. INHOFE. Mr. President, I am introducing today a joint resolution, S.J. Res. 10, with Congressman TRENT FRANKS introducing the identical joint resolution in the House, which sets a minimum baseline for defense spending.

By establishing a minimum defense base budget of 4 percent, this country can achieve two critical needs—national security and economic growth.

For the past few weeks, this Congress has been debating an economic stimulus plan. Defense spending, along with infrastructure spending and tax cuts, has a greater stimulative impact on the economy than some of the provisions in there. In fact, I had amendments, which I will describe in a minute, that would have increased the percentage in this huge bill, so that you would have maybe up to 10 percent for transportation infrastructure and then defense—I will explain that in more detail later.

Our level of defense spending must consider the resources needed to meet current and future needs. In order to provide this stability, Congress needs to guarantee a not less than baseline in defense funding, enabling the Pentagon to execute sustained multiyear program investments. Guaranteeing a

baseline budget, not including supplemental, that sets the floor based on our GDP is the best way to accomplish this.

At this point, I acknowledge that I had an experience back during the first hearing we had for the confirmation of then-Defense Secretary Rumsfeld. I asked the question at that time: We have serious problems. We don't know what our future needs are going to be. We may think we know what they are going to be today—and we have a lot of smart generals who will tell us, but they are going to be wrong. I remember at that time I said that in 1994 someone testified and said in 10 years we would no longer need to have a ground force, that everything would be done from the air in a precision, clean way. That would be awfully nice, but that is not the way it happened. I said, recognizing that we need to have the best of everything, what would be your recommendation? He said that he made a study of this—it was not his, but he said that if you will go back and study it over the last 100 years, the average amount of defense spending has been 5.7 percent of GDP. That was all during the 20th century, for 100 years.

Now, we went down at the end of the 1990 to as low as 2.9 percent, and now we are at 3.6 percent. The problem is the predictability. It is not there. We don't know in these systems what we can rely on. We know the cost of closing down a manufacturing line, but we don't have the predictability we need.

There are some who think by cutting unnecessary weapons systems along with reforming DOD's procurement process, we can reduce defense spending and still maintain a military level that could defend our Nation and reach the minimum expectations of the American people. The problem with that is that it doesn't happen that way. Yes, we need acquisition reform, I agree. But the overall budget outlays and the problems we have—this alone will not rebuild our military.

We could eliminate weapons systems that are called low-hanging fruit. That has already been done several years ago. I think we all remember—and some would rather forget—that after the Cold War, there were so many in this Chamber who said we were in a position then where we did not need the military because the Cold War was over. We talked about all kinds of schemes that would transfer previous military spending into current spending for social programs. This is the way people were thinking at that time, that the Cold War is over. They had this euphoric attitude that we didn't need to continue a strong defense.

We have been trying to get past a bow wave created in the 1990s. As a result, the amount of defense spending actually appropriated during that 8 years, the 1990s, was $412 billion above the budget request. In other words, the budget request was $412 billion below what was sustained at the beginning of that 8-year period. This is what we are paying for now. Little did we know at that time that 9/11 would come, and that while we are trying to rebuild our military in terms of modernization, force strength, we would be attacked and have to start defending America and prosecuting a war.

I believe we should spend only as much as we need to ensure our national defense—no more, no less. This joint resolution sets a minimum baseline for defense spending. By establishing a minimum defense budget of 4 percent, this country can achieve two critical needs—national security and economic health.

First, it will allow our military to develop and build the next generation of weapons and equipment. This is something we have been concerned about—weapons and equipment that will be needed to maintain our national security over the next 40 years or more. The age of the last KC–135R, when it retires, will be 70 years old, and the B–52 will be even older than that. We are still doing this. We need this contribution for more heavy equipment. Right now, we have gotten into a problem of not developing them. They say the old KC–135R—we have a few more years on that. If we started today on a new lift vehicle to replace that, it would be several years before we would be able to have these replaced.

The second thing is it will create and maintain jobs across America and sustain our military industrial base. Investing in our Nation's defense provides thousands of sustainable American jobs and provides for our national security at the same time. Experts estimate that each $1 billion in procurement spending correlates to 6,500 jobs.

Major defense procurement programs are all manufactured in the United States with our aerospace industry alone employing 655,000 workers spread across 44 States. The U.S. shipbuilding industry supports more than 400,000 workers in 47 States.

Establishing a minimum baseline defense budget will allow the Department of Defense and the services to plan for and fund acquisition programs based on a minimum known budget through what we call our FYDP program.

We are no longer able to complete purchases of large acquisition programs in 3 to 5 years. The KC–X will take over 30 years to complete once its contract is awarded. We will still be flying these up until that time.

Programming from a known minimum budget for the outyears will translate to less programming and more stability for thousands of businesses throughout the United States at decreased costs.

This week, I voted against this massive Government spending bill that provided plenty in the way of more wasteful Government spending and little in the way of stimulative opportunities such as defense spending.

I offered two amendments. One would have increased defense spending, and without changing the top line of the bill that was before us, it would change within it to have more defense spending and provide jobs. At the same time, in this entire $900 billion—or whatever it ends up being—bill that we are prepared to vote on out of conference, only $27 billion was in roads, bridges, and the things that Americans know we need.

If we had that along with the additional amount or percentage that would go to defense spending, it would equate to an increase of an additional 4 million jobs. This is what we have heard President Obama talking about for quite some time. That is one way to do it. At the same time, we have something that is lasting.

We—and certainly the Chair knows this because she sits on the same committee, the Environment and Public Works Committee—we are going to be doing a reauthorization of the highway bill. There is more we could have done in this particular bill that is totally inadequate in terms of putting people to work. The amendments we offered were defeated.

Today Congressman TRENT FRANKS and I are simultaneously offering a joint resolution to keep this country safe, restore our military to the level of capability and readiness the people of this country demand, and provide for sustainable jobs in almost every State in the country.

By voting for this joint resolution, we send a clear signal to our military, to our allies, to our enemies—all alike—that we are committed to the security of this Nation and that we will not have to go through something like we went through during the nineties.

One of the great heroes of our time is GEN John Jumper. Before he was Chief of the Air Force, he stood in 1998 and made a very courageous statement. He said now the Russians are cranking out through their SU–30s, SU–35s, a strike vehicle better than anything we have in this country. The best ones at that time were the F–15 and F–16. Had it not been for his statement as a wakeup call to the American people, China, that bought a bunch of SU vehicles from Russia would have better vehicles than we were sending up with our fliers in potential combat. All of a sudden, we were able to turn around and start programs such as the F–22 and F–35 so we could be No. 1.

The American people assume all the time we are No. 1, and obviously we are not. When the American people find out the best artillery piece we have right now, which is called Paladin—it is World War II technology. You have to get out and swab the breach after every shot. It is outrageous. Prospective enemies in the field would have better equipment than we would have.

The best way to do this and ensure this in the future is to have a baseline. I am hoping we will get the support of enough Senators to get this passed in both the House and the Senate since it is a joint resolution.

Lastly, let me address some of the points that were said by the Senator

from Florida. I agree with all his comments. He is a little nicer about it than I am, I guess. Don't lose sight of the fact that this is supposed to be a stimulus bill, not a spending bill. But it is a spending bill.

We had people analyze what in this bill will stimulat the economy. There are two things that can do it: the right types of tax relief. We know this is true. We remember what happened during President Kennedy's term and the recommendation he made when he said we have to have more revenues to run our Great Society programs. The best way to increase revenue is decrease marginal rates. He decreased marginal rates. Between the years 1961 and 1968, our revenues increased by 62 percent. Unbelievable.

In the year 1980, the total amount of money that came from marginal rates was $244 billion. In 1990, it was $466 billion. It almost doubled in the decade when we had the greatest reductions in capital gains rates, in marginal rates, inheritance tax rates.

There are only two very minor items in this bill that address the tax situation. One has to do with accelerated depreciation. Another is with loss carryback, increasing it from 2 years to 5 years, I believe it is. If you add that together in terms of the cost that is in the bill, this $900 billion bill we are going to be passing, we have to keep in mind that is a very small part. It amounts to about 3⅓ percent. The other way you can stimulate is to increase jobs.

I mentioned we had an amendment to increase jobs. It is outrageous that there is only $27 billion worth of highway construction, road construction, and bridge construction that we desperately need in this country in this bill.

We have right now $64 billion worth of shovel-ready jobs that we could actually produce in this country, and all we have is 3⅓ percent of the entire amount of $900 billion going to that type of program. That is where I come up with the conclusion that this bill is 7 percent stimulus and 93 percent spending.

I have to tell you, back when the first $700 billion program came along in October, yes, that came from our administration, a Republican administration, a Republican Secretary of the Treasury. But also the Democrats were all very enthusiastically behind it. I opposed it at that time and said there are two problems with it. No. 1, this amount of money, $700 billion, is more money, it is the largest expenditure, largest authorization in the history of the world, and we are giving it, No. 2, to a guy with no guidelines, without any kind of oversight.

We have seen now that has not worked. Now we have the second half of that, and we find out yesterday the current Secretary of the Treasury is going to use it any way he wants. Again, no oversight. This was a horrible mistake. That was the $700 billion last October.

Now we are faced with something far greater than that. I know it is going to go through. It is a Democratic bill. It is not a bipartisan bill. It is not a compromise. It is a Democratic bill. They took the House bill and the Senate bill and something will come from that. Whether it is closer to the House bill or the Senate bill, it does not matter. It is going to be close to $900 billion, something we should not have had.

We are thinking in new terms now. I used to say back during the $700 billion, if you take the total number of families in America who are filing tax returns and do your math, it comes to $5,000 a family. That was bad enough. This bill comes to $17,400 a family over a 10-year period. That is what we have to start thinking about.

I am hoping the American people will look at this bill and realize this gigantic spending bill follows a philosophy that you can spend your way out of a recession. It has never happened before. It is not going to happen with this bill.

We want to do the very best we can. I know President Obama did not want to go as far this way. I think the House and the Senate have steered this into a bigger spending bill than he would have liked. I think he would have liked more stimulants in this bill.

Let's do the best we can with it and then let's get busy and try the things we know have worked in the past and will work in the future.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 38—COMMEMORATING THE LIFE AND LEGACY OF PRESIDENT ABRAHAM LINCOLN ON THE BICENTENNIAL OF HIS BIRTH

Mr. DURBIN (for himself, Mr. BAYH, Mr. BUNNING, Mr. BURRIS, Mr. LUGAR, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 38

Whereas President Abraham Lincoln was born on February 12, 1809, to modest means, in a 1-room log cabin in Kentucky;

Whereas Abraham Lincoln spent his childhood in Indiana, and, despite having less than a year of formal schooling, developed an avid love of reading and learning;

Whereas Abraham Lincoln arrived in Illinois at the age of 21;

Whereas, while living in Illinois, Abraham Lincoln met and married his wife, Mary Todd Lincoln, built a successful legal practice, served in the State legislature of Illinois, was elected to Congress, and participated in the famous ''Lincoln-Douglas'' debates;

Whereas Abraham Lincoln left Illinois 4 months after being elected President of the United States in 1860;

Whereas Abraham Lincoln was the first member of the Republican party elected President of the United States and helped build the Republican party into a strong national organization;

Whereas, after his election and the secession of the southern States, Abraham Lincoln steered the United States through the most profound moral and political crisis, and the bloodiest war, in the history of the Nation;

Whereas, by helping to preserve the Union and by holding a national election, as scheduled, during a civil war, Abraham Lincoln reaffirmed the commitment of the people of the United States to majority rule and democracy;

Whereas the Emancipation Proclamation signed by Abraham Lincoln declared that slaves within the Confederacy would be forever free and welcomed more than 200,000 African American soldiers and sailors into the armed forces of the Union;

Whereas the Emancipation Proclamation signed by Abraham Lincoln fundamentally transformed the Civil War from a battle for political unity to a moral fight for freedom;

Whereas the faith Abraham Lincoln had in democracy was strong, even after the bloodiest battle of the war at Gettysburg;

Whereas the inspiring words spoken by Abraham Lincoln at Gettysburg still resonate today: ''that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth'';

Whereas Abraham Lincoln was powerfully committed to unity, turning rivals into allies within his own Cabinet and welcoming the defeated Confederacy back into the Union with characteristic generosity, ''with malice toward none; with charity for all'';

Whereas Abraham Lincoln became the first President of the United States to be assassinated, days after giving a speech promoting voting rights for African Americans;

Whereas, through his opposition to slavery, Abraham Lincoln set the United States on a path toward resolving the tension between the ideals of ''liberty and justice for all'' espoused by the Founders of the United States and the ignoble practice of slavery, and redefined what it meant to be a citizen of the United States;

Whereas, in his commitment to unity, Abraham Lincoln did more than simply abolish slavery; he ensured that the promise that ''all men are created equal'' was an inheritance to be shared by all people of the United States;

Whereas the story of Abraham Lincoln and the example of his life, including his inspiring rise from humble origins to the highest office of the land and his decisive leadership through the most harrowing time in the history of the United States, continues to bring hope and inspiration to millions in the United States and around the world, making him one of the greatest Presidents and humanitarians in history; and

Whereas February 12, 2009, marks the bicentennial of the birth of Abraham Lincoln: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial of the birth of President Abraham Lincoln;

(2) recognizes and echoes the commitment of Abraham Lincoln to what he called the ''unfinished work'' of unity and harmony in the United States; and

(3) encourages the people of the United States to recommit to fulfilling the vision of Abraham Lincoln of equal rights for all.

SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved, That, in carrying out its powers, duties, and functions under the Standing