identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 581

At the request of Mr. BENNET, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 589

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 589, a bill to establish a Global Service Fellowship Program and to authorize Volunteers for Prosperity, and for other purposes.

S. 599

At the request of Mr. CARPER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 611

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. BROWN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 623

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 623, a bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 636

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. RES. 49

At the request of Mr. LUGAR, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. COCHRAN, and Mr. KAUFMAN):

S. 638. A bill to provide grants to promote financial and economic literacy; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, there are a number of factors that caused the economic recession we are faced with today. All of us know that.

We can blame executives on Wall Street, who made reckless choices and ignored long-term consequences to make a quick profit.

We can blame the financial industry regulators, whose lax oversight failed to see the potential risks posed by the new, complex financial products that Wall Street was selling, and we can point a finger at those in the mortgage industry, who ignored that all bubbles eventually burst and that—in the case of housing bubble—the American taxpayers would be left to clean up the mess.

But we also need to look a little closer to home as well. The reality is that one of the contributing causes of this recession is the fact that too many Americans made poor and very often uninformed financial choices when they bought homes in the last several years.

Too many overestimated their own resources, didn't read the fine print, and didn't grasp the terms of their mortgages before signing on the dotted line.

In fact, we need to recognize that too many Americans, from college students to senior citizens, are financially illiterate.

The problem is not limited to mortgage holders. Too many Americans don't know how to budget their household expenses, manage their credit card debt, or even pay their bills on time.

We need to ensure that we don't get into this situation again, by giving all Americans the skills to make sound financial decisions.

We used to say the 3 R's of school are reading, writing, and arithmetic. Well, I think we need to add a fourth R—resource management.

That is why today I am introducing legislation that will help ensure that all Americans get the skills they need to make financial decisions that will protect them and their families.

The Financial and Economic Literacy Improvement Act of 2009 will require the Federal Government to step to the plate and become a real partner in helping Americans manage their finances and make good decisions about housing, employment, and education.

This bipartisan bill, which is cosponsored by Senator COCHRAN, is aimed at helping people of all ages. Our goal is to ensure that high school and college students know the pitfalls of signing up for credit cards and can make informed decisions about student loans.

All young people understand the importance of saving and making smart decisions to ensure a comfortable and dignified retirement and, most important, that we are taking steps to ensure we do not repeat the misguided and uninformed decisions that have contributed to the recession that we find ourselves in today.

Under our bill, the Federal Government will become a strong supporter of making financial literacy education a core part of K–12 education.

I believe that focusing this effort on young people is critical for two reasons:

One, if we are going to avoid another crisis such as this one, we must begin by teaching the next generation to make smart financial decisions; two, because all signs point to another generation that is coming of age already saddled with debt, and we need to help them before it is too late.

This past Sunday, this article ran on the front page of the Olympian newspaper from my State of Washington. I ask unanimous consent to have this article printed in the RECORD.

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

[From the Olympian, Mar. 15, 2009]

TEENS AWASH IN CREDIT CARD DEBT

(By Les Blumenthal)

The numbers are startling. More than half of all high school seniors have debit cards and nearly one-third have credit cards.

One-third of college students have four credit cards apiece when they graduate, and more than half of graduates have piled up $5,000 each in high-interest debt. The number of 18- to 24-year-olds who have declared bankruptcy has increased 96 percent in 10 years.

Surveys show that many of these young people also are financially illiterate: They don't understand such things as interest, minimum payments, credit reports, identity theft or that they might be paying off their school loans for years.

The problem isn't just with the young, however. One in five Americans thinks that the most practical way to become rich is to win the lottery.

Sen. Patty Murray, D-Wash., remembers that her kids started receiving credit card applications when they were 16. She said that she repeatedly heard from people, young and old, who wished they knew more about financial matters.

Murray will introduce legislation this week that would authorize $1.2 billion in grants over five years to promote financial-literacy education beginning in grade school and stretching into adulthood.

''It's a perfect time to be doing this,'' Murray said.

Ben Bernanke, the chairman of the Federal Reserve, agrees.

''In light of the problems that have arisen in the subprime mortgage market, we are reminded how critically important it is for individuals to become financially literate at an early age so they are better prepared to make decisions and navigate an increasingly complex financial marketplace,'' he said nearly a year ago.

Kerry Eickmeyer, 17, a senior at Richland High School in Richland gave up her debit card after about a year when she kept overdrawing her account.

''My mother was getting frustrated,'' she said.

She and other students at Richland High must take a class in consumer economics before they can graduate. Eickmeyer said she received credit card offers all the time and shredded them.

''I don't need 10 credit cards,'' she said.

Jesus Pedraza, 19, wished he'd been prepared to handle his personal finances when he entered Washington's Tacoma Community College, even though he doesn't have a credit card.

''I thought I was ready, but money is running out faster than I thought,'' Pedraza said.

As part of its Human Development 101 class for freshman, Tacoma Community College devotes a section to personal finance. Students track their weekly spending and learn about credit cards, minimum payments, savings plans and investments. James Mendoza, who teaches the class, said he focused on the nuts and bolts of finance.

''We don't expect them to be Warren Buffett, George Soros or any of the big dogs,'' Mendoza said. ''But they need to understand whether a venti mocha is a need or a want.''

In the past five years, 17 states added personal finance requirements to their curricula. Last year, former President George W. Bush appointed an Advisory Council on Financial Literacy to work with the private and public sectors to promote financial education. The council is part of the Treasury Department. Its members range from the chairman of Charles Schwab to the leader of Junior Achievement USA.

Murray's bill, co-sponsored by Sen. Thad Cochran, R-Miss., would provide grants to state education agencies that agreed to establish financial literacy standards and assess how well students were doing in elementary, middle and high school. Nonprofit organizations also would be eligible for grants. In addition, grants would be available to community and four-year colleges to offer financial literacy classes for their students and for older adults.

In addition to financial literacy classes offered by school districts, Junior Achievement operates programs in many districts. About 4.5 million young people participate in Junior Achievement programs nationwide.

Other programs also are operating in the schools. Founded by a bankruptcy judge in New York, the Credit Abuse Resistance Education program sends bankruptcy judges around the country to high schools to talk about personal finances.

Pat Williams, a bankruptcy Judge in Spokane, said that when she walked into a class of 25 or so 10th- or 11th-graders, it wasn't hard for her to spot the five that would end up in bankruptcy in three years.

''They are dealing with so much—cell phones, car insurance, credit cards, debit cards,'' she said. ''It was stunning to them to learn there were late charges on a credit card bill.''

High school and college students can end up paying for their lack of financial knowledge, said Pam Whalley, the director of the Center for Economic Education at Western Washington University. One survey of high school students found that they expected to earn an average of $143,000 a year and were confident they could handle the money but that few knew how to do a budget. College students know little about savings, insurance and retirement, and are lured to credit card deals too easily, she said.

''College kids will do anything for a T-shirt,'' Whalley said.

In the middle of a recession, she said, educating students about financial matters is crucial.

''If you make a mistake during a recession, you have less to fall back on,'' she said. ''If you make a mistake when your job isn't safe, you could lose your house or your car. When you have financial literacy, you have more control over your life.''

Mrs. MURRAY. Mr. President, the article discusses the legislation I am introducing today. It also talks about the financial path that the next generation is currently on. The article pointed out that, right now, one-third of our college students have four credit cards when they graduate. More than half of our graduates have piled up $5,000 each in high interest debt. The number of 18 to 24-year-olds who have declared bankruptcy has almost doubled in 10 years.

That article also points out that many of our young people are financially illiterate. They understand very little about concepts such as interest or minimum payments or credit reports and the financial reality of having to pay off their student loans for years to come.

Today, with many of our schools struggling to pay teachers and maintain their current programs, a lot of our State and local governments cannot afford to ramp up financial literacy education right now. That is exactly where I believe the Federal Government needs to step up. We cannot afford for our young people to not understand their own finances.

Our bill will authorize $125 million annually to go to State and local education agencies and their partnerships with organizations experienced in providing high-quality financial literacy and economic instruction.

This funding we will provide will help make financial and economic literacy a part of core academic classes, develop financial literacy standards and testing benchmarks, and provide critical teacher training.

This bill will also help schools weave financial concepts into basic classes, such as math and social studies.

Importantly, this training will not end in high school. Our bill makes the same $125 million investment in teaching financial literacy in our 2- and 4-year colleges.

That is critical. My constituents often write or tell me about the financial trouble they are struggling with. A lot of them are very desperate for help. They got into situations they didn't understand, and they don't have the resources to fix.

For example, one woman from Olympia, who put off credit card bills to pay her mortgage, wrote to me and said:

I am educated, but was unaware that by being late on a payment or by skipping a payment and trying to make it up, my interest rate could skyrocket to over 26 percent, and late fees could be exponential.

Whether it is skyrocketing interest rates or credit cards or an adjustable rate mortgage that somebody can no longer afford or a retirement plan that they don't understand, I often hear the same thing from people: I wish someone had taught this to me in high school.

This bill we are introducing ensures that we are teaching it in our schools, and it will help people learn the basic skills that will give them a leg up when they are dealing with their bankers.

This crisis we are in cost us dearly. Every weekend when I go home I hear about another business that is closing or another family who cannot pay their bills. But we know if we make changes and smart investments, we can move our country forward. I believe this is one of those smart investments. In January, after President Obama took office, he called for an era of personal responsibility. I believe our bill helps Americans to usher in that era.

I encourage my colleagues to take a look at the bill and cosponsor it and help us move it forward so we can make sure that we have a financially literate country.

Mr. GRASSLEY:

S. 641. A bill to amend the Controlled Substances Act to prevent the abuse of dehydroepiandrosterone, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I remain very concerned about the continuing prevalence of performance-enhancing drugs in sports. The ongoing reports of the vast use of performance-enhancing drugs in professional sports, especially Major League Baseball, illustrate the presence of a disturbing culture throughout all sports. It is becoming all too common to read not only about professional athletes using performance-enhancing drugs, but also college and high school athletes turning to these substances to gain a competitive edge. Although Congress passed the Anabolic Steroid Control Act to disrupt this cycle of abuse in 2004, we cannot relent in our efforts to keep performance-enhancing drugs out of our society and away from our children.

The dietary supplement, Dehydroepiandrosterone, DHEA, is readily

available online and on the shelves of nutritional stores, but can be used as a performance-enhancing substance. In response to the growing use of performance-enhancing drugs in professional sports, Congress passed the Anabolic Steroid Control Act in 2004. When this bill was being considered, DHEA was among 23 anabolic steroids that are now schedule III controlled substances. Some of my colleagues objected to DHEA being included on this list, because they believed DHEA was harmless and did not have the same anabolic effects as the other steroids on the list. DHEA was subsequently removed from the bill, but the facts do not back up the claims that DHEA is not a performance-enhancing drug or harmless.

According to the U.S. Anti-Doping Agency, DHEA is a pre-cursor hormone to androstenedione and testosterone. These substances became illegal anabolic steroids as a result of the Anabolic Steroid Control Act of 2004. Although the body naturally produces DHEA, the natural production of the hormone ceases around the age of 35. Many people over this age use DHEA, in low doses, as part of an ''anti-aging'' regimen. However, when taken in high doses over time, DHEA, like its other relatives in the steroid family, may cause liver damage and cancer. In fact, one study conducted by scientists at Oxford University revealed DHEA use to be strongly associated with breast cancer development. The truth is there are few studies about the long term effects DHEA has on the body. According to Dr. F. Clark Holmes, Director of Sports Medicine at Georgetown University, many proposed studies involving high doses of DHEA are denied approval out of concern that the product may cause irreversible harm to human subjects. Because DHEA is marketed as a dietary supplement, companies are not required to prove their safety to the Food and Drug Administration. However, nearly all the professional sports leagues, the Olympics and the NCAA have banned their athletes from using it for good reason.

What is even more disturbing is the fact that DHEA is being marketed online to younger athletes. One bodybuilding website, directed towards teenagers, features a teen bodybuilder of the week to promote performance-enhancing supplements. A 19-year-old Junior National Champion bodybuilder is one of the bodybuilders on this website. When asked what supplement gave him the greatest gains for his competition this teenager replied, ''DHEA.'' In another website, DHEA is advertized as follows, ''If you're a bodybuilder, and want to increase lean body mass at the expense of body fat, actual studies show this supplement may significantly alter body composition, favoring lean mass accrual.'' Another example on another website describes DHEA in this way, ''DHEA is HOT, and you will see why. As a precursor hormone, it leads to the production of other hormones. When this compound is supplemented, it has shown to have awesome effects.'' These advertisements are geared to the younger crowd, even though DHEA has no legitimate use for teenagers.

These DHEA advertisements, and others like it, are having some impact on young athletes, especially in my state of Iowa. The Iowa Orthopaedic Journal published a study on nutritional supplement use in 20 Northwest Iowa high schools. In this study, 495 male football players and 407 female volleyball players were asked if they used nutritional supplements. The results of this anonymous survey revealed that 8 percent of football players and 2 percent of Volleyball players used supplements. These students identified DHEA as one of the supplements that they used. The students were then asked to give the reason why they used DHEA and the general response was ''for performance enhancement.''

We have to find a way to keep young people from using a substance that can do them harm. Three states currently prohibit the sale of DHEA to minors. There are also various supplement stores like GNC and Walgreens that have policies in place that prohibit the sale of DHEA to anyone under 18. If we cannot place DHEA behind the counter, then we should at least make it difficult for teens to walk out of a store with a potentially harmful substance in hand. This is why I'm pleased to introduce the DHEA Abuse Reduction Act of 2009. This bill will place a nationwide restriction on the sale of DHEA for those under 18 years of age. It will also allow those who use DHEA, legitimately, to not have to obtain a prescription to do so. The Coalition for Anabolic Steroid Precursor and Ephedra Regulation, which is comprised of the Nation's leading medical, public health and sports organizations support this legislation. The U.S. Anti-Doping Agency also supports this legislation to keep DHEA away from our children. I urge my colleagues to pass this legislation.

In the highly competitive world of sports, the pressure to use performance-enhancing drugs can be overwhelming. Even though we, as a society, demand excellence from our favorite teams and athletes, we cannot accept this excellence to be falsely aided by a drug. Furthermore, we cannot allow harmful drugs to destroy the health of so many young and promising athletes. We have to continue to curb the use of performance-enhancing drugs for the health of our country and children.

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

S. 647. A bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Nursing Home Transparency and Improvement Act of 2009.

My colleague, Senator GRASSLEY, and I have worked on this legislation together. He is on the floor now and will speak of the bill when I finish my comments.

As chairman of the Special Committee on Aging, the quality of care that is provided to nursing home residents is of great concern to me, and I am proud to introduce this bill with Senator GRASSLEY today.

I have worked with Senator GRASSLEY on nursing home policy for several years. We have commissioned GAO reports, sought input from both industry and reform advocates, and collaborated with the executive branch on various initiatives. This work has generated some positive results, such as the government's new five-star nursing home rating system.

But we must do more. We believe the bill we introduce today will raise the bar for nursing home quality and oversight nationwide, by strengthening the Federal Government's ability to monitor and advance the level of care provided in nursing domes. for up to five minutes.

First, our bill would give the Government better tools for enforcing high quality standards. For instance, nursing homes would be required to disclose information about all the principal business partners who play a role in the financing and management of the facility, so that the Government can hold them accountable in the case of poor care or neglect. It would also create a national independent monitor pilot program to tackle tough quality and safety issues that must be addressed at the level of corporate management.

Second, our bill would give consumers more information about individual nursing homes and their track record of care. Our bill would grant consumers access to a facility's most recent health and safety report online, and would develop a simple, standardized online complaint form for residents and their families to ensure that their concerns are addressed swiftly. And it would require the Government to collect staffing information from nursing homes on a real-time basis, and make this information available to the public.

Finally, our bill would encourage homes to improve on their own. Under this legislation, facilities would develop compliance and ethics programs to decrease the risk of financial fraud, and quality assurance standards to internally monitor the quality of care provided to residents. We also authorize funds for a national demonstration project on ''culture change,'' a new management style in nursing home care that rethinks relationships between management and frontline workers by empowering nursing aides to take charge of the personalized care of

residents. Finally, our bill makes an investment in nursing home staff by offering training on how to handle residents with dementia.

Twenty-two years have passed since Congress last addressed the safety and quality of America's nursing homes in a comprehensive way. As we prepare to debate reforms across our health care system, there has never been a better time to implement these critical improvements to our nation's system of nursing homes. We ask our colleagues for their support.

Madam President, I turn now to Senator GRASSLEY, with whom I worked diligently with a great effort and with tremendous results. He is a man I have enjoyed working with across the aisle now for many years. He is a high-quality guy. It is in that respect and with that regard that I turn to him now.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I thank the Senator for his kind words. I have had an opportunity to work with him not only on legislation of this type but a lot of other pieces of legislation, and I enjoy working with him because he is a person of great common sense. I thank him for his leadership in this area, and, more importantly, I thank him for serving in the outstanding position as chairman of the Special Committee on Aging, with a lot of responsibilities in the area of making sure aging problems are brought to the forefront.

This legislation we are introducing is called the Nursing Home Transparency and Improvement Act. It brings to the surface some very important issues he is watching as chairman of the Aging Committee. I have some interaction with it because I am a member of the Finance Committee.

This is a critical piece of legislation that brings overdue transparency to consumers regarding nursing home quality and operations. It also provides long needed improvements to our enforcement system.

In America today, there are well over 1.7 million elderly and disabled individuals in over 17,000 nursing home facilities. As the baby boom generation enters retirement, this number is going to rise dramatically. While many people are using alternatives, such as community-based care, nursing homes are going to remain a critical option for elderly and disabled populations.

As the ranking member of the Senate Finance Committee, I have a longstanding commitment to ensuring that nursing home residents receive the safe and quality care we expect for our loved ones. Why? Because the taxpayers put in tens of billions of dollars—I would imagine over $47 billion or $48 billion now, and maybe that figure is higher than the last time I looked, but it is billions of dollars. Our Aging Committee and all of Congress have a special responsibility to make sure that money is spent well, and one way of spending it well is to make sure it delivers quality care to these people who are in need.

Unfortunately, as in many areas, with nursing homes, a few bad apples often spoil the barrel. Too many Americans receive poor care, often in a subset of nursing homes. Unfortunately, this subset of chronic offenders stays in business, often keeping their poor track records hidden from the public at large and often facing little or no oversight or enforcement from the Federal Government, based on laws that were passed in 1986 and 1987.

There is a lack of transparency, a lack of accountability, and sometimes in our approach to nursing homes, quite simply, a lack of common sense—the sort of common sense the Senator from Wisconsin always exhibits in the legislative approach. These are things this legislation seeks to bring to nursing homes and their residents—transparency, accountability, and common sense.

Let's look at transparency. In the market for nursing home care, as in all markets, consumers must often have adequate information to make informed choices. For years, people looking at a nursing home for themselves or their loved ones had no way of knowing a nursing home facility's record of care, inspection history, or which individuals were ultimately responsible for caring for their loved ones.

This bill is intended to change that and to emphasize this point about why we have to be concerned about the type of facility in which a person is placed.

I have never once in my life run into a single elderly or disabled person who said to me: I am dying to get into a nursing home. This is on the continuum care, the stop where people cannot be taken care of beforehand. We need to make sure that is right.

This legislation requires nursing facilities to make available ownership information, including the individuals and entities that are ultimately responsible for a home's operation and management.

Today when I am discussing this bill with people in the industry, I don't have anybody objecting who actually owns a nursing home. But early on, that seemed to be something that, for some reason or another, did not seem to be anybody's business. Tell me it isn't anybody's business who owns a nursing home if they are receiving $45 billion to $50 billion of taxpayer money going to that industry. That ownership is very important.

How nursing homes are staffed can greatly affect the care they provide, especially when dealing with complex conditions, such as nursing homes. So you go behind who owns a nursing home, who is working there, and that is pretty important. If you do not have all this information, it leaves residents and their families without clear information about who is ultimately responsible for ensuring that a resident is consistently provided with high-quality care.

This provides transparency, as well, concerning nursing home staffing and surveys. Homes differ widely in terms of the number of specialized staff available to residents, as well as the number of registered nurses and certified nursing assistants who provide much hands-on care.

Let me say it a second time. How a nursing home is staffed can greatly affect the care it provides, especially when dealing with complex cases. This legislation requires better tracking of this information and requires that this information is available to prospective residents and their families.

In addition, this legislation will help families have a better idea of a nursing home's track record in that it requires better transparency for nursing home inspection reports that are completed on a routine basis.

The Secretary will also now be required to provide consumers with a summary of information on enforcement actions taken against a facility during the previous 3 years.

This same transparency will also provide additional market incentives for poor homes to improve. If customers know about problems, that home is incentivized to improve or face going out of business.

This effort also requires a strong, effective enforcement and monitoring system to ensure safe and quality care at facilities that will not take the necessary steps voluntarily. But even with improved transparency, there are some nursing homes that will not improve on their own.

In the nursing home industry, most homes provide quality care on a very consistent basis. So we need to give inspectors better enforcement tools.

The current system provides incentives to correct problems only temporarily and allows homes to avoid regulatory sanctions while continuing to deliver substandard care to residents. This system must be fixed.

Last year, CMS requested two things: one, statutory authority to collect civil monetary penalties sooner, and, two, the ability to hold those penalties in escrow pending appeal.

To that end, this bill requires nursing homes that have been found in violation of law be given the opportunity to participate in an independent, informal dispute resolution process within 30 days. After that point, depending on the outcome of the appeal, the penalties are collected and held in escrow pending the exhaustion of the appeals process. This will ensure that nursing homes found to be violating the rules actually pay the penalties assessed if it is determined those penalties are appropriate. But we should not have to resort to enforcement. Problems resulting in penalties should be avoided or detected and fixed immediately by the nursing home in the first place. That is why this bill now requires all nursing homes to have compliance and ethics programs, as well as quality assurance and performance improvement programs.

In addition to increased transparency and improved enforcement, this bill provides commonsense solutions to a number of other problems.

This legislation requires the Secretary of HHS to establish a national independent monitoring program to tackle problems specific to interstate and large intrastate nursing chains.

In the case of nursing homes being closed due to poor safety or quality of care, this bill requires that residents and their representatives be given sufficient notice so they can adequately plan a transfer to an appropriate setting.

We need to be very sensitive—and I am very sensitive—to the fact that nursing home residents are often elderly and fragile. Moving them into a new facility is traumatic. So we have to make sure these residents are transferred appropriately and with adequate time and care.

This bill also aims to help nursing homes that self-report their concerns and remedy certain deficiencies, giving those homes that are trying to do their best and find things wrong on their own to get credit for that. By doing so, nursing homes then may have any penalties reduced by 50 percent. This will encourage facilities to take the lead in finding, flagging, and fixing violations.

This bill is also intended to strengthen training requirements for nursing staff by including dementia and abuse prevention training as part of pre-employment.

I am proud to introduce this bill along with my friend Senator KOHL. The Committee on Aging and I have a long history of working together on elderly care issues, and I am happy to continue that work.

I also note today the Government Accountability Office is releasing a report critical of CMS's funding of State oversight entities, such as nursing homes. This report notes that survey activity is sometimes so unreliable that certain homes have not even been inspected in more than 6 years. The report makes a number of recommendations to CMS, and I will be looking very carefully at how CMS follows those recommendations. In the meantime, it is important that we improve transparency and accountability for the inspections that are taking place.

We will continue to do everything we can to make sure that American nursing home residents receive the safe and quality care they deserve. Increasing transparency, improving enforcement tools, strengthening training requirements will go a long way toward achieving that goal. I thank, once again, Senator KOHL.

By Mr. BINGAMAN (for himself, Ms. SNOWE, and Mr. SANDERS):

S. 648. a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare program; to the Committee on Finance.

Mr. BINGAMAN. Mr. president, I rise today with Senators Snowe and Sanders to introduce the Medicare Access to Community Health Centers, MATCH, Act of 2009.

This legislation addresses a long standing payment issue experienced by a key component of our Nation's health care safety net, community health centers. These centers provide high quality, comprehensive care and serve as the medical home to 18 millions individuals. Over one million of those patients are medicare beneficiaries.

Over 15 years ago, Congress created the Federally Qualified Health Center, FQHC, Medicare benefit to ensure that health centers were not forced to subsidize Medicare payments with Federal grant dollars. Congress required that centers be paid their reasonable costs for providing care to their Medicare patients. The centers for Medicare and Medicaid Services, CMS, later established a per visit payment cap in regulations based on a payment cap applicable to Rural Health Clinics. CMS applied the cap to FQHCs without much data support and with the promise of future reviews to guarantee that Health Centers were adequately reimbursed. However, these reviews have not taken place. Currently, over 75 percent of health centers are losing money serving Medicare beneficiaries, with losses totaling over $50 million annually according to an analysis done by the National Association of Community Health Centers, NACHC. In my home State of New Mexico, NACHC estimates that health centers lose more than a million dollars annually.

I have repeatedly asked CMS to review this antiquated cap but I have had little success. So I rise today to introduce legislation to improve the medicare payment mechanism for FQHCs. The MATCH Act will establish a Prospective Payment System for FQHCs, based on the actual cost of providing care to health center patients. This new mechanism mirrors the successful Medicaid FQHC Prospective Payment System. By reforming the payment structure at FQHCs, we will ensure health centers are able to dedicate their Federal grant dollars for their original intent—providing care to the uninsured. This new mechanism will also increase efficiency and stability in the Medicare program for health centers.

This legislation is long overdue. I ask my colleagues to join me in strengthening the medicare FQHC program to ensure that health centers can continue to provide high quality, affordable primary and preventive care to our Nation's seniors and people with disabilities.

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. 648

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 ''Medicare Access to Community Health Centers (MATCH) Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that:

(1) NATIONAL IMPORTANCE.—Community health centers serve as the medical home and family physician to over 16,000,000 people nationally. Patients of community health centers represent 1 in 7 low-income persons, 1 in 8 uninsured Americans, 1 in 9 Medicaid beneficiaries, 1 in 10 minorities, and 1 in 10 rural residents.

(2) HEALTH CARE SAFETY NET.—Because Federally qualified health centers (FQHCs) are generally located in medically underserved areas, the patients of Federally qualified health centers are disproportionately low income, uninsured or publicly insured, and minorities, and they frequently have poorer health and more complicated, costly medical needs than patients nationally. As a chief component of the health care safety net, Federally qualified health centers are required by regulation to serve all patients, regardless of insurance status or ability to pay.

(3) MEDICARE BENEFICIARIES.—Medicare beneficiaries are typically less healthy and, therefore, costlier to treat than other patients of Federally qualified health centers. Medicare beneficiaries tend to have more complex health care needs as—

(A) more than half of Medicare patients have at least 2 chronic conditions;

(B) 45 percent take 5 or more medications; and

(C) over half of Medicare beneficiaries have more than 1 prescribing physician.

(4) NEED TO IMPROVE FQHC PAYMENT.—While the Centers for Medicare & Medicaid Services have nearly 15 years' worth of cost report data from Federally qualified health centers, which would equip the agency to develop a new Medicare reimbursement system, the agency has failed to update and improve the Medicare FQHC payment system.

SEC. 3. EXPANSION OF MEDICARE-COVERED PRIMARY AND PREVENTIVE SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3)) is amended to read as follows:

''(3) The term 'Federally qualified health center services' means—

''(A) services of the type described in subparagraphs (A) through (C) of paragraph (1), and such other ambulatory services furnished by a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider or health care professional other than a Federally qualified health center; and

''(B) preventive primary health services that a center is required to provide under section 330 of the Public Health Service Act, when furnished to an individual as a patient of a Federally qualified health center and such services when provided by a health care provider or health care professional employed by or under contract with a Federally qualified health center and for this purpose, any reference to a rural health clinic or a

physician described in paragraph (2)(B) is deemed a reference to a Federally qualified health center or a physician at the center, respectively. Services described in the previous sentence shall be treated as billable visits for purposes of payment to the Federally qualified health center.''.

(b) CONFORMING AMENDMENT TO PERMIT PAYMENT FOR HOSPITAL-BASED SERVICES.—Section 1862(a)(14) of such Act (42 U.S.C. 1395y(a)(14)) is amended by inserting ''Federally qualified health center services,'' after ''qualified psychologist services,''.

(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall apply to services furnished on or after January 1, 2010.

SEC. 4. ESTABLISHMENT OF A MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY QUALIFIED HEALTH CENTER SERVICES.

(a) IN GENERAL.—Paragraph (3) section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended to read as follows:

''(3)(A) in the case of services described in section 1832(a)(2)(D)(i) the costs which are reasonable and related to the furnishing of such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations including those authorized under section 1861(v)(1)(A), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A) but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; and

''(B) in the case of services described in section 1832(a)(2)(D)(ii) furnished by a Federally qualified health center—

''(i) subject to clauses (iii) and (iv), for services furnished on and after January 1, 2010, during the center's fiscal year that ends in 2010, an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center of furnishing such services during such center's fiscal years ending during 2008 and 2009 which are reasonable and related to the cost of furnishing such services, or which are based on such other tests of reasonableness as the Secretary prescribes in regulations including those authorized under section 1861(v)(1)(A) (except that in calculating such cost in a center's fiscal years ending during 2008 and 2009 and applying the average of such cost for a center's fiscal year ending during fiscal year 2010, the Secretary shall not apply a per visit payment limit or productivity screen), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of such average of such costs;

''(ii) subject to clauses (iii) and (iv), for services furnished during the center's fiscal year ending during 2011 or a succeeding fiscal year, an amount (calculated on a per visit basis and without the application of a per visit limit or productivity screen) that is equal to the amount determined under this subparagraph for the center's preceding fiscal year (without regard to any copayment)—

''(I) increased for a center's fiscal year ending during 2011 by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for 2011 and increased for a center's fiscal year ending during 2012 or any succeeding fiscal year by the percentage increase for such year of a market basket of Federally qualified health center costs as developed and promulgated through regulations by the Secretary; and

''(II) adjusted to take into account any increase or decrease in the scope of services, including a change in the type, intensity, duration, or amount of services, furnished by the center during the center's fiscal year,

less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of the amount determined under this clause (without regard to any copayment);

''(iii) subject to clause (iv), in the case of an entity that first qualifies as a Federally qualified health center in a center's fiscal year ending after 2009—

''(I) for the first such center's fiscal year, an amount (calculated on a per visit basis and without the application of a per visit payment limit or productivity screen) that is equal to 100 percent of the costs of furnishing such services during such center's fiscal year based on the per visit payment rates established under clause (i) or (ii) for a comparable period for other such centers located in the same or adjacent areas with a similar caseload or, in the absence of such a center, in accordance with the regulations and methodology referred to in clause (i) or based on such other tests of reasonableness (without the application of a per visit payment limit or productivity screen) as the Secretary may specify, less the amount a provider may charge as described in clause (ii) of section 1866 (a)(2)(A), but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; and

''(II) for each succeeding center's fiscal year, the amount calculated in accordance with clause (ii); and

''(iv) with respect to Federally qualified health center services that are furnished to an individual enrolled with a MA plan under part C pursuant to a written agreement described in section 1853(a)(4) (or, in the case of a MA private fee for service plan, without such written agreement) the amount (if any) by which—

''(I) the amount of payment that would have otherwise been provided under clause (i), (ii), or (iii) (calculated as if '100 percent' were substituted for '80 percent' in such clauses) for such services if the individual had not been enrolled; exceeds

''(II) the amount of the payments received under such written agreement (or, in the case of MA private fee for service plans, without such written agreement) for such services (not including any financial incentives provided for in such agreement such as risk pool payments, bonuses, or withholds) less the amount the Federally qualified health center may charge as described in section 1857(e)(3)(B);''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2010.

Ms. SNOWE. Mr. President, I rise today to join Senator BINGAMAN to introduce legislation to rectify a long standing problem for community health centers and the millions of Americans who depend on them for primary care access. Health centers serve as the medical home for over 18 million underserved patients. Annually, over 1.2 million of those patients are Medicare beneficiaries and 8.5 million patients are living below the Federal poverty level. Health centers are known for providing high quality, comprehensive care to some of our nation's most vulnerable populations.

Over 17 years ago, Congress created the Federally Qualified Health Center, FQHC, Medicare benefit to ensure that health centers were not forced to subsidize Medicare payments with Federal grant dollars. Therefore, Congress required that centers be paid their reasonable costs for providing care to their Medicare patients. The Centers for Medicare and Medicaid Services, CMS, later established a per visit payment cap in regulations based on a payment cap applicable to rural health clinics. CMS applied the cap to FQHCs with the promise of future reviews to guarantee that health centers were adequately reimbursed. However, CMS has failed to update payments.

Today, the majority of health centers are losing money serving Medicare beneficiaries, causing them to use their Federal grant dollars, intended for care for the uninsured, to supplement Medicare payments. These losses exceed $50 million annually according to an analysis completed by the National Association of Community Health Centers.

We have repeatedly requested that CMS review this antiquated payment structure with little success. So I rise today again with Senator BINGAMAN to see that FQHCs receive payment for services they provide. This bill will establish a prospective payment system for FQHCs, based on the actual cost of providing care to health center patients. This new mechanism mirrors the successful Medicaid FQHC prospective payment system. By reforming the payment structure at FQHCs, we will ensure that health centers are able to dedicate their Federal grant dollars for their originally intended purpose—providing care to the uninsured.

This legislation is long overdue. I ask my colleagues to join me in strengthening the Medicare FQHC program to make certain that health centers can continue to provide high quality, affordable primary and preventive care to our Nation's seniors and people with disabilities.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. NELSON of Florida, and Mr. WICKER):

S. 649. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator KERRY, to introduce legislation that initiates the first step toward comprehensive spectrum policy reform, which is long overdue and paramount to achieving the long-term telecommunications needs of this nation. In addressing comprehensive spectrum reform, the first thing we must do is to have a clear understanding of how the spectrum is currently being utilized, which is called for by the Radio Spectrum Inventory Act.

Specifically, the Radio Spectrum Inventory Act directs the National Telecommunications and Information Administration and the Federal Communications Commission, with assistance from the Office of Science and Technology, to create a comprehensive and accurate inventory of each spectrum band between 300 Megahertz to 3.5 Gigahertz. The information collected would include the licenses assigned in that band, the number and type of end-user devices deployed, the amount of deployed infrastructure, as well as any relevant unlicensed end user devices operating in the band. This information is fundamental to constructing a comprehensive framework for spectrum policy.

The Radio Spectrum Inventory Act also provides more transparency related to spectrum use by creating a centralized website or portal that would include relevant spectrum and license information accessible by the public. Given that radio spectrum is a public good, we are obligated to provide the public more clarity and accountability on how it is being utilized by both federal and non-federal licensees. It should be noted that this bill does make certain disclosure exceptions for spectrum being used or reserved for national security.

The ultimate goals this legislation sets the path towards achieving are to implement more efficient use of spectrum and to locate additional spectrum that could be auctioned and used for advanced communications and data services in order to meet the growing demand.

Currently, there are more than 270 million wireless subscribers in the US, and consumers used more than 2.2 trillion minutes of use from July 2007 to June 2008—that is more than 6 billion minutes of use a day! While voice communications is the foundation for wireless services, more and more subscribers are utilizing it for broadband due to new emerging wireless technologies.

More specifically, the FCC reported that from December 2005 to December 2007, mobile wireless high-speed subscribership grew nationwide by more than 1,500 percent, and added 15.6 million subscribers in the second half of 2007 alone. The report also shows that new wireless broadband subscribers accounted for 78 percent of the total growth in broadband during that same time.

So it is clear this once nascent service, which was initially thought of as a luxury, has blossomed into a tool that millions of consumers and countless businesses use on a daily basis. Increased mobility, access, and productivity are all tangible results of wireless technology. It is estimated that the productivity value of all mobile wireless services was worth $185 billion in 2005.

But with all this growth, we are seeing constraints—spectrum is already a scarce resource—there is no new spectrum to allocate, only redistribute. This problem is also compounded by issues such as Shannon's Law, which defines the maximum possible data speed that can be obtained in a data channel of a communications network. So with wireless, in order to achieve greater bandwidth speeds and capacity, more channels have to be assigned, which means more spectrum has to be allocated. Therefore, finding additional spectrum is essential to meeting the growing demands and needs of consumers and businesses alike.

Just as with the Internet, we have only scratched the surface on what the future of wireless will bring to all areas of life. That is why we must be proactive in advancing supportive spectrum policy and spectrum availability. And this begins with the first step—complete an accurate inventory of what is out there and how it is being used. Once we have that information, we can then perform the necessary analysis of where additional spectrum could be found and allocated toward broadband and advanced communications services. That is why I sincerely hope that my colleagues join Senators KERRY, NELSON, WICKER, and me in supporting this critical legislation.

By Mr. FEINGOLD:

S. 650. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I am introducing the Federal Death Penalty Abolition Act of 2009. This bill would abolish the death penalty at the Federal level. It would put an immediate halt to Federal executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 1,130 executions across the country, including three at the Federal level. During that same time period, 130 people on death row have been exonerated and released from death row. Consider those numbers: 1,130 executions and 130 exonerations in the modern death penalty era. Had those exonerations not taken place, had those 130 people been executed, those executions would have represented an error rate of nearly eleven percent. That is more than an embarrassing statistic; it is a horrifying one, one that should have us all questioning the use of capital punishment in this country. In fact, since 1999 when I first introduced this bill, 54 death row inmates have been exonerated throughout the country.

In the face of these numbers, the national debate on the death penalty has intensified. The country experienced a nationwide moratorium on executions from September 2007 to May 2008 while the U.S. Supreme Court considered whether the lethal injection method of execution complied with the Constitution. From 2004 to 2007 the number of executions and the number of death sentences imposed decreased as more and more voices joined to express doubt about the use of capital punishment in America. The voices of those questioning the fairness of the death penalty have been heard from college campuses and courtrooms and podiums across the Nation, to the Senate Judiciary Committee hearing room, to the United States Supreme Court. The American public understands that the death penalty raises serious and complex issues. In fact, for the first time, a May 2006 Gallup poll reported that more Americans prefer a sentence of life without parole over the death penalty when given a choice. The same poll indicates that 63 percent of Americans think that within the past 5 years an innocent person has been executed. And a 2008 Gallup shows a 5 percent drop in support for the death penalty from October 2007 to October 2008. If anything, the consensus is that it is time for a change. We must not ignore these voices.

The United States Supreme Court also has limited the constitutionally permissible scope of the death penalty in recent years. In 2008 the Court held in Kennedy vs. Louisiana that with respect to ''crimes against individuals the death penalty should not be expanded to instances where the victim's life was not taken.'' This decision is consistent with other recent cases in which the U.S. Supreme Court has held that the execution of juvenile offenders and the mentally retarded is unconstitutional.

On the state level, there have been some encouraging developments. Most significantly, just last night, Governor Bill Richardson of New Mexico signed legislation into law that repeals the death penalty in his state. I commend Governor Richardson for his leadership and courage in signing this bill. Governor Richardson issued a statement after he signed the bill that gets to the heart of this issue. His statement read, in part:

> The sad truth is the wrong person can still be convicted in this day and age, and in cases where that conviction carries with it the ultimate sanction, we must have ultimate confidence I would say certitude that the system is without flaw or prejudice. Unfortunately, this is demonstrably not the case . . .

Last year New Jersey to legislatively repealed its death penalty statute after a state commission reported that the death penalty ''is inconsistent with evolving standards of decency'' and recommended abolition. In New York, the death penalty was overturned by a court decision in 2004 and has not been reinstated by the legislature. While Kansas and New Hampshire still technically have the death penalty on their books, they have not executed anyone since 1976.

Other States have created commissions that have identified serious problems with their capital punishment systems. In Maryland, a 23-member commission tasked with studying all

aspects of the State's capital punishment system voted on November 12, 2008, to recommend abolition of the State's death penalty. The Commission cited as reasons the possibility that an innocent person could be mistakenly executed, as well as geographical and racial disparities in its application. The chair of the commission, a former United States Attorney General, stated simply, ''It's haphazard in how it's applied, and that's terribly unfair.''

This past June, the California Commission on the Fair Administration of Justice completed its review of the California capital punishment system. It found, unanimously and not surprisingly, that the death penalty system in California is broken and in need of repair. North Carolina and Tennessee are also in the midst of studies of their respective death penalty systems.

Of course the state that started it all was Illinois, where on January 31, 2000, then-Governor George Ryan took the historic step of placing a moratorium on executions and creating an independent, blue ribbon commission to review the State's death penalty system. That commission conducted an extensive study of the death penalty in Illinois and released a report with 85 recommendations for reform. The commission concluded that the death penalty system is not fair, and that the risk of executing the innocent is alarmingly real. Governor Ryan later pardoned four death row inmates and commuted the sentences of all remaining Illinois death row inmates to life in prison before he left office in January 2003. Illinois has not executed anyone since.

In addition, in 2007, the American Bar Association issued a series of reports on the fairness and accuracy of capital punishment systems in eight states, and concluded there were serious problems in every state it reviewed.

So while detailed reviews have not been conducted in every state, the studies that have been done have revealed major problems. And these problems whether they be racial disparities, inconsistent application of the death penalty, inadequate indigent defense, or other shortcomings cannot be brushed aside as atypical or as revealing state-specific anomalies in an otherwise perfect system. Years of study have shown that the death penalty does little to deter crime, and that defendants' likelihood of being sentenced to death depends heavily on illegitimate factors such as whether they are rich or poor.

Racial disparities also have been documented again and again. Since reinstatement of the modern death penalty, 80 percent of murder victims in cases where death sentences were handed down were white, even though only 50 percent of murder victims are white. Nationwide, more than half of death row inmates nationwide are African Americans or Hispanic Americans. Since 1976, cases that had a white defendant and a black victim have resulted in 15 executions; in cases involving a black defendant and a white victim, there have been 229 executions.

There is also evidence that seeking capital punishment comes at great monetary cost to taxpayers. The Urban Institute in Maryland examined 162 capital cases that were prosecuted between 1978 and 1999. It found that seeking the death penalty in those cases cost $186 million more than what those cases would have cost had the death penalty not been sought. In California, according to the California Commission on the Fair Administration of Justice, ''the additional cost of confining an inmate to death row, as compared to the maximum security prisons where those sentenced to life without possibility of parole ordinarily serve their sentences, is $90,000 per year per inmate. With California's current death row population of 670, that accounts for $63.3 million annually.'' A report in Washington state indicates that ''at the trial level, death penalty cases are estimated to generate roughly $470,000 in additional costs to the prosecution and defense over the cost of trying the same case as an aggravated murder without the death penalty and costs of $47,000 to $70,000 for court personnel.'' Similar reports detailing the extraordinary financial costs of the death penalty have been generated for States across the Nation.

There are also enormous problems with the right to counsel in death penalty cases. I held a hearing in the Constitution Subcommittee of the Senate Judiciary Committee last year to examine the State of capital defense in this country, and the results were shocking. The witnesses provided sobering testimony about over-worked and under-paid court-appointed lawyers in capital cases, and the lack of investigative and other resources available to them. Just to take a couple of specific examples, Bryan Stevenson of the Equal Justice Initiative testified that in Alabama, 60 percent of people on death row were defended by lawyers appointed by courts who, by statute, could not be paid more than $1,000 for their out of court time to prepare the case for trial. In Texas, hundreds of death row inmates are awaiting execution after being represented by lawyers who could not receive more then $500 for experts or mitigation evidence. Across the country there are hundreds of death row inmates whose lawyers had their compensation capped at levels that make effective assistance impossible.

We also heard more about the American Bar Association State Assessment Project, which found that ineffective defense representation was a serious problem in each of the eight states that the ABA reviewed—and is a major reason why the ABA continues to advocate for a moratorium on capital punishment.

The Federal death penalty, too, has had its share of problems. Capital punishment at the Federal level was reinstated in 1988 in a Federal law that provided for the death penalty for murder in the course of a drug-kingpin conspiracy. It was then expanded significantly in 1994, when an omnibus crime bill expanded its use to a total of some 60 Federal offenses. Despite my best efforts to halt the expansion of the Federal death penalty, more and more provisions have been added over the years. Three individuals have now been executed under the Federal system, and there are 55 inmates on Federal death row.

In 2007, I held a hearing on oversight of the Federal death penalty the first such oversight hearing in the Senate Judiciary Committee in 6 years. Once again, the results were disturbing. The hearing focused on a range of issues, including the lack of information the Justice Department maintains about the application and cost of the death penalty, the lack of transparency in the DOJ decision-making process, concerns about the politicization of the federal death penalty, and the continuing problem of racial disparities in the Federal system.

I was alarmed to learn at the hearing that the Department of Justice from 2001 to 2006 kept virtually no statistics about its implementation of the Federal death penalty. Prior to the hearing, I requested basic statistics for that time period, such as the rate at which the Attorney General overruled U.S. Attorney recommendations not to seek the death penalty, and the race of defendants and victims in Federal capital cases. Before I asked for this information, the Department had not tracked it. Further, the DOJ does not track the monetary costs of the Federal death penalty in any way at all.

We are still lacking basic information about racial disparities in the application of the Federal death penalty. After putting off for years a National Institute of Justice study report ordered by Attorney General Reno at the end of the Clinton Administration to examine this question, DOJ finally released a RAND study in 2006. But the long anticipated report did not address the root question about the application of the Federal death penalty; it did not study the decision-making process for bringing defendants into the Federal system in the first place. Of course, this study only covers 1995–2000. So we still have very little information about racial disparities from 2001 forward.

I was particularly concerned about information the hearing uncovered about the Attorney General overrule rates. In the Federal system, the Attorney General makes the final decision whether to seek the death penalty in federal cases. Between 2001 and 2006, the Attorney General overruled local U.S. Attorney recommendations not to seek the death penalty in *one out of every three* Federal capital cases. This number is substantially higher than the 16 percent of recommendations not to seek death that were overruled by

Attorney General Reno from 1995 to 2000. Not only was the Bush administration far more willing to overrule local U.S. Attorney recommendations, but when it did so, the Government was less likely to actually obtain a death sentence in the case. The Government secured a death sentence in 33 percent of cases where the Attorney General approved a U.S. Attorney recommendation to seek death, but in only 20 percent of cases where the Attorney General overruled the U.S. Attorney recommendation not to seek death.

And at least one U.S. Attorney who objected when his recommendation not to seek death was overruled by Main Justice learned the hard way that dissent was not acceptable. Former U.S. Attorney Paul Charlton, who testified at the hearing I chaired, was fired at least in part because he had the audacity to ask to speak with the Attorney General directly after the Attorney General ordered him to pursue the death penalty in a case where he had recommended against seeking the death penalty.

There is every reason to be optimistic that the new administration will take the significant problems in our federal death penalty system much more seriously. But while we examine the flaws in our death penalty system at both the State and Federal level, we cannot help but note that any use of the death penalty in the United States stands in stark contrast to the majority of nations, which have abolished the death penalty in law or practice. There are now 123 countries that have done so. In 2007, only China, Iran, Saudi Arabia and Pakistan executed more people than we did in the United States. These countries, and others on the list of nations that actively use capital punishment, are countries that we often criticize for human rights abuses. The European Union denies membership to nations that use the death penalty. In fact, it passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called on all states within the United States to abolish the death penalty. Moreover, the United Nations General Assembly adopted a resolution on December 18, 2007, calling for a worldwide moratorium on the death penalty.

We are a Nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a Nation that scrutinizes the human rights records of other nations. We should hold our own system of justice to the highest standard.

As a matter of justice, this is an issue that transcends political allegiances. A range of prominent voices in our country is raising serious questions about the death penalty, and these are not just voices of liberals, or of the faith community. They are the voices of former FBI Director William Sessions, former Supreme Court Justice Sandra Day O'Connor, Reverend Pat Robertson, commentator George Will, former Mississippi warden Donald Cabana, and former Baltimore City police officer Michael May. And notably, the editorial boards of the Chicago Tribune and the Dallas Morning News each finally came out in opposition to the death penalty in 2007. The voices of those questioning our application of the death penalty are growing in number, and they are growing louder.

As we begin a new year and a new Congress, I believe the continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our best traditions. It is wrong and it is ineffective. The adage ''two wrongs do not make a right'' applies here in the most fundamental way. It is time to abolish the death penalty as we seek to spread peace and justice both here and overseas. And it is not just a matter of morality. The continued viability of our criminal justice system as a truly just system that deserves the respect of our own people and the world requires that we take this step. Our Nation's goal to remain the world's leading defender of freedom, liberty and equality demands that we do so.

Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As we work to move forward in a rapidly changing world, let us leave this archaic practice behind.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great Nation by enacting this legislation to do away with the Federal death penalty. I also call on each State that authorizes the use of the death penalty to cease this practice. Let us together reject violence and restore fairness and integrity to our criminal justice system.

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. 650

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 ''Federal Death Penalty Abolition Act of 2009''.

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) HOMICIDE-RELATED OFFENSES.—

(1) MURDER RELATED TO THE SMUGGLING OF ALIENS.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking ''punished by death or''.

(2) DESTRUCTION OF AIRCRAFT, MOTOR VEHICLES, OR RELATED FACILITIES RESULTING IN DEATH.—Section 34 of title 18, United States Code, is amended by striking ''to the death penalty or''.

(3) MURDER COMMITTED DURING A DRUG-RELATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking ''death or''.

(4) MURDER COMMITTED AT AN AIRPORT SERVING INTERNATIONAL CIVIL AVIATION.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking ''punished by death or''.

(5) MURDER COMMITTED USING CHEMICAL WEAPONS.—Section 229A(a)(2) of title 18, United States Code, is amended—

(A) in the paragraph heading, by striking ''DEATH PENALTY'' and inserting ''CAUSING DEATH''; and

(B) by striking ''punished by death or''.

(6) CIVIL RIGHTS OFFENSES RESULTING IN DEATH.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking '', or may be sentenced to death'';

(B) in section 242, by striking '', or may be sentenced to death'';

(C) in section 245(b), by striking '', or may be sentenced to death''; and

(D) in section 247(d)(1), by striking '', or may be sentenced to death''.

(7) MURDER OF A MEMBER OF CONGRESS, AN IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME COURT JUSTICE.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period.

(8) DEATH RESULTING FROM OFFENSES INVOLVING TRANSPORTATION OF EXPLOSIVES, DESTRUCTION OF GOVERNMENT PROPERTY, OR DESTRUCTION OF PROPERTY RELATED TO FOREIGN OR INTERSTATE COMMERCE.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking ''or to the death penalty'';

(B) in subsection (f)(3), by striking ''subject to the death penalty, or'';

(C) in subsection (i), by striking ''or to the death penalty''; and

(D) in subsection (n), by striking ''(other than the penalty of death)''.

(9) MURDER COMMITTED BY USE OF A FIREARM OR ARMOR PIERCING AMMUNITION DURING COMMISSION OF A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.—Section 924 of title 18, United States Code, is amended—

(A) in subsection (c)(5)(B)(i), by striking ''punished by death or''; and

(B) in subsection (j)(1), by striking ''by death or''.

(10) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ''death or''.

(11) FIRST DEGREE MURDER.—Section 1111(b) of title 18, United States Code, is amended by striking ''by death or''.

(12) MURDER BY A FEDERAL PRISONER.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''by death or''; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting ''or'' before ''an indeterminate''; and

(ii) by striking '', or an unexecuted sentence of death''.

(13) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''by sentence of death or''; and

(B) in subsection (b)(1), by striking ''or death''.

(14) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking ''death or''.

(15) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking ''death or''.

(16) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking ''the death penalty or''.

(17) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(j)(3) of title 18, United States Code, is amended by striking ''to the death penalty or''.

(18) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking ''(1)''; and

(ii) by striking '', or (2) by death'' and all that follows through the end of the subsection and inserting a period.

(19) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking ''death or''.

(20) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking ''death or''.

(21) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992 of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (10), by striking ''or subject to death,''; and

(B) in subsection (b), in the matter following paragraph (3), by striking '', and if the offense resulted in the death of any person, the person may be sentenced to death''.

(22) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking ''death or''.

(23) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking '', or sentenced to death''.

(24) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking ''unless the death penalty is imposed,''.

(25) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking ''punished by death or''.

(26) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended by striking ''punished by death or''.

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking ''punished by death or''.

(28) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking ''punished by death or''.

(29) MURDER USING DEVICES OR DANGEROUS SUBSTANCES IN WATERS OF THE UNITED STATES.—Section 2282A of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(30) MURDER INVOLVING THE TRANSPORTATION OF EXPLOSIVE, BIOLOGICAL, CHEMICAL, OR RADIOACTIVE OR NUCLEAR MATERIALS.—Section 2283 of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(31) MURDER INVOLVING THE DESTRUCTION OF VESSEL OR MARITIME FACILITY.—Section 2291(d) of title 18, United States Code, is amended by striking ''to the death penalty or''.

(32) MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking ''death or''.

(33) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (4), by striking '', and if death results shall be punished by death'' and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (b), by striking '', and if death results shall be punished by death'' and all that follows through the end of the subsection and inserting a period.

(34) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1)(A) of title 18, United States Code, is amended by striking ''by death, or''.

(35) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking ''punished by death or''.

(36) MURDER INVOLVING A WAR CRIME.—Section 2441(a) of title 18, United States Code, is amended by striking '', and if death results to the victim, shall also be subject to the penalty of death''.

(37) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)) is amended—

(A) in the subsection heading, by striking ''DEATH PENALTY'' and inserting ''INTENTIONAL KILLING''; and

(B) in paragraph (1)—

(i) subparagraph (A), by striking '', or may be sentenced to death''; and

(ii) in subparagraph (B), by striking '', or may be sentenced to death''.

(38) DEATH RESULTING FROM AIRCRAFT HIJACKING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2)(B), by striking ''put to death or''; and

(B) in subsection (b)(1)(B), by striking ''put to death or''.

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking ''punished by death or'' and all that follows before the period and inserting ''imprisoned for any term of years or for life''.

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking ''shall suffer death, or''.

(c) TITLE 10.—

(1) IN GENERAL.—Section 856 of title 10 is amended by inserting before the period at the end the following: '', except that the punishment may not include death''.

(2) OFFENSES.—

(A) CONSPIRACY.—Section 881(b) of title 10, United States Code (article 81(b) of the Uniform Code of Military Justice), is amended by striking '', if death results'' and all that follows through the end and inserting ''as a court-martial or military commission may direct.''.

(B) DESERTION.—Section 885(c) of title 10, United States Code (article 85(c)), is amended by striking '', if the offense is committed in time of war'' and all that follows through the end and inserting ''as a court-martial may direct.''.

(C) ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.—Section 890 of title 10, United States Code (article 90), is amended by striking '', if the offense is committed in time of war'' and all that follows and inserting ''as a court-martial may direct.''.

(D) MUTINY OR SEDITION.—Section 894(b) of title 10, United States Code (article 94(b)), is amended by striking ''by death or such other punishment''.

(E) MISBEHAVIOR BEFORE THE ENEMY.—Section 899 of title 10, United States Code (article 99), is amended by striking ''by death or such other punishment''.

(F) SUBORDINATE COMPELLING SURRENDER.—Section 900 of title 10, United States Code (article 100), is amended by striking ''by death or such other punishment''.

(G) IMPROPER USE OF COUNTERSIGN.—Section 901 of title 10, United States Code (article 101), is amended by striking ''by death or such other punishment''.

(H) FORCING A SAFEGUARD.—Section 902 of title 10, United States Code (article 102), is amended by striking ''suffer death'' and all that follows and inserting ''be punished as a court-martial may direct.''.

(I) AIDING THE ENEMY.—Section 904 of title 10, United States Code (article 104), is amended by striking ''suffer death or such other punishment as a court-martial or military commission may direct'' and inserting ''be punished as a court-martial or military commission may direct''.

(J) SPIES.—Section 906 of title 10, United States Code (article 106), is amended by striking ''by death'' and inserting ''by imprisonment for life''.

(K) ESPIONAGE.—Section 906a of title 10, United States Code (article 106a), is amended—

(i) by striking subsections (b) and (c);

(ii) by redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c), respectively;

(iii) in subsection (a)—

(I) by striking ''(1)'';

(II) by striking ''paragraph (2)'' and inserting ''subsection (b)'';

(III) by striking ''paragraph (3)'' and inserting ''subsection (c)''; and

(IV) by striking ''as a court-martial may direct,'' and all that follows and inserting ''as a court-martial may direct.'';

(iv) in subsection (b), as so redesignated—

(I) by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(II) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(v) in subsection (c), as so redesignated, by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(L) IMPROPER HAZARDING OF VESSEL.—The text of section 910 of title 10, United States Code (article 110), is amended to read as follows:

''Any person subject to this chapter who willfully and wrongfully, or negligently, hazards or suffers to be hazarded any vessel of the Armed Forces shall be punished as a court-martial may direct.''.

(M) MISBEHAVIOR OF SENTINEL.—Section 913 of title 10, United States Code (article 113), is amended by striking '', if the offense is committed in time of war'' and all that follows and inserting ''as a court-martial may direct.''.

(N) MURDER.—Section 918 of title 10, United States Code (article 118), is amended by striking ''death or imprisonment for life as a court-martial may direct'' and inserting ''imprisonment for life''.

(O) DEATH OR INJURY OF AN UNBORN CHILD.—Section 919a(a) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking '', other than death,''; and

(ii) by striking paragraph (4).

(P) CRIMES TRIABLE BY MILITARY COMMISSION.—Section 950v(b) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking ''by death or such other punishment'';

(ii) in paragraph (2), by striking '', if death results'' and all that follows and inserting

''as a military commission under this chapter may direct.'';

(iii) in paragraph (7), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(iv) in paragraph (8), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(v) in paragraph (9), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(vi) in paragraph (11)(A), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(vii) in paragraph (12)(A), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(viii) in paragraph (13)(A), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(ix) in paragraph (14), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(x) in paragraph (15), by striking ''by death or such other punishment'';

(xi) in paragraph (17), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(xii) in paragraph (23), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(xiii) in paragraph (24), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.'';

(xiv) in paragraph (27), by striking ''by death or such other punishment''; and

(xv) in paragraph (28), by striking '', if death results'' and all that follows and inserting ''as a military commission under this chapter may direct.''.

(3) JURISDICTIONAL AND PROCEDURAL MATTERS.—

(A) DISMISSED OFFICER'S RIGHT TO TRIAL BY COURT-MARTIAL.—Section 804(a) of title 10, United States Code (article 4(a) of the Uniform Code of Military Justice), is amended by striking ''or death''.

(B) COURTS-MARTIAL CLASSIFIED.—Section 816(1)(A) of title 10, United States Code (article 10(1)(A)), is amended by striking ''or, in a case in which the accused may be sentenced to a penalty of death'' and all that follows through ''(article 25a)''.

(C) JURISDICTION OF GENERAL COURTS-MARTIAL.—Section 818 of title 10, United States Code (article 18), is amended—

(i) in the first sentence by striking ''including the penalty of death when specifically authorized by this chapter'' and inserting ''except death''; and

(ii) by striking the third sentence.

(D) JURISDICTION OF SPECIAL COURTS-MARTIAL.—Section 819 of title 10, United States Code (article 19), is amended in the first sentence by striking ''for any noncapital offense'' and all that follows and inserting ''for any offense made punishable by this chapter.''.

(E) JURISDICTION OF SUMMARY COURTS-MARTIAL.—Section 820 of title 10, United States Code (article 20), is amended in the first sentence by striking ''noncapital''.

(F) NUMBER OF MEMBERS IN CAPITAL CASES.—

(i) IN GENERAL.—Section 825a of title 10, United States Code (article 25a), is repealed.

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 47 of title 10, United States Code, is amended by striking the item relating to section 825a (article 25a).

(G) ABSENT AND ADDITIONAL MEMBERS.—Section 829(b)(2) of title 10, United States Code (article 29(b)(2)), is amended by striking ''or, in a case in which the death penalty may be adjudged'' and all that follows and inserting a period.

(H) STATUTE OF LIMITATIONS.—Subsection (a) of section 843 of title 10, United States Code (article 43), is amended to read as follows:

''(a)(1) A person charged with an offense described in paragraph (2) may be tried and punished at any time without limitation.

''(2) An offense described in this paragraph is any offense as follows:

''(A) Absence without leave or missing movement in time of war.

''(B) Murder.

''(C) Rape.

''(D) A violation of section 881 of this title (article 81) that results in death to one or more of the victims.

''(E) Desertion or attempt to desert in time of war.

''(F) A violation of section 890 of this title (article 90) committed in time of war.

''(G) Attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition.

''(H) A violation of section 899 of this title (article 99).

''(I) A violation of section 900 of this title (article 100).

''(J) A violation of section 901 of this title (article 101).

''(K) A violation of section 902 of this title (article 102).

''(L) A violation of section 904 of this title (article 104).

''(M) A violation of section 906 of this title (article 106).

''(N) A violation of section 906a of this title (article 106a).

''(O) A violation of section 910 of this title (article 110) in which the person subject to this chapter willfully and wrongfully hazarded or suffered to be hazarded any vessel of the Armed Forces.

''(P) A violation of section 913 of this title (article 113) committed in time of war.''.

(I) PLEAS OF ACCUSED.—Section 845(b) of title 10, United States Code (article 45(b)), is amended—

(i) by striking the first sentence; and

(ii) by striking ''With respect to any other charge'' and inserting ''With respect to any charge''.

(J) DEPOSITIONS.—Section 849 of title 10, United States Code (article 49), is amended—

(i) in subsection (d), by striking ''in any case not capital''; and

(ii) by striking subsections (e) and (f).

(K) ADMISSIBILITY OF RECORDS OF COURTS OF INQUIRY.—Section 850 of title 10, United States Code (article 50), is amended—

(i) in subsection (a), by striking ''not capital and''; and

(ii) in subsection (b), by striking ''capital cases or''.

(L) NUMBER OF VOTES REQUIRED FOR CONVICTION AND SENTENCING BY COURT-MARTIAL.—Section 852 of title 10, United States Code (article 52), is amended—

(i) in subsection (a)—

(I) by striking paragraph (1);

(II) by redesignating paragraph (2) as subsection (a); and

(III) by striking ''any other offense'' and inserting ''any offense''; and

(ii) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(M) RECORD OF TRIAL.—Section 854(c)(1)(A) of title 10, United States Code (article 54(c)(1)(A)), is amended by striking ''death,''.

(N) FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.—Section 858b(a)(2)(A) of title 10, United States Code (article 58b(a)(2)(A)), is amended by striking ''or death''.

(O) WAIVER OR WITHDRAWAL OF APPEAL.—Section 861 of title 10, United States Code (article 61), is amended—

(i) in subsection (a), by striking ''except a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death,''; and

(ii) in subsection (b), by striking ''Except in a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death, the accused'' and inserting ''The accused''.

(P) REVIEW BY COURT OF CRIMINAL APPEALS.—Section 866(b) of title 10, United States Code (article 66(b)), is amended—

(i) in the matter preceding paragraph (1), by inserting ''in which'' after ''court-martial'';

(ii) in paragraph (1), by striking ''in which the sentence, as approved, extends to death,'' and inserting ''the sentence, as approved, extends to''; and

(iii) in paragraph (2), by striking ''except in the case of a sentence extending to death,''.

(Q) REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.—Section 867(a) of title 10, United States Code (article 67(a)), is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(R) EXECUTION OF SENTENCE.—Section 871 of title 10, United States Code (article 71), is amended—

(i) by striking subsection (a);

(ii) by redesignating subsection (b) as subsection (a);

(iii) by striking subsection (c) and inserting the following:

''(b)(1) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is not waived, and an appeal is not withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a dishonorable or bad conduct discharge may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to dismissal, approval under subsection (a)). A judgment as to legality of the proceedings is final in such cases when review is completed by a Court of Criminal Appeals and—

''(A) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

''(B) such a petition is rejected by the Court of Appeals for the Armed Forces; or

''(C) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

''(i) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

''(ii) such a petition is rejected by the Supreme Court; or

''(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(2) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is waived, or an appeal is withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a bad conduct or dishonorable discharge may

not be executed until review of the case by a judge advocate (and any action on that review) under section 864 of this title (article 64) is completed. Any other part of a court-martial sentence may be ordered executed by the convening authority or other person acting on the case under section 860 of this title (article 60) when approved by him under that section.'';

(iv) by redesignating subsection (d) as subsection (c); and

(v) in subsection (c), as so redesignated, by striking '', except a sentence of death''.

(S) GENERAL ARTICLE.—Section 934 of title 10, United States Code (article 134), is amended by striking ''crimes and offenses not capital'' and inserting ''crimes and offenses''

(T) JURISDICTION OF MILITARY COMMISSIONS.—Section 948d(d) of title 10, United States Code, is amended by striking ''including the penalty of death'' and all that follows and inserting ''except death.''.

(U) NUMBER OF MEMBERS OF MILITARY COMMISSIONS.—Subsection (a) of section 948m of title 10, United States Code, is amended to read as follows:

''(a) NUMBER OF MEMBERS.—A military commission under this chapter shall have at least 5 members.''.

(V) NUMBER OF VOTES REQUIRED FOR SENTENCING BY MILITARY COMMISSION.—Section 949m of title 10, United States Code, is amended—

(i) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(ii) by striking subsection (c).

(W) APPELLATE REFERRAL FOR MILITARY COMMISSIONS.—Section 950c of title 10, United States Code, is amended—

(i) in subsection (b)(1), by striking ''except a case in which the sentence as approved under section 950b of this title extends to death,''; and

(ii) in subsection (c), by striking ''Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused'' and inserting ''The accused''.

(X) EXECUTION OF SENTENCE BY MILITARY COMMISSIONS.—

(i) IN GENERAL.—Section 950i of title 10, United States Code, is amended—

(I) in the section heading, by striking ''**; procedures for execution of sentence of death**'';

(II) by striking subsections (b) and (c);

(III) by redesignating subsection (d) as subsection (b); and

(IV) in subsection (b), as so redesignated, by striking '', except a sentence of death''.

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of title 10, United States Code, is amended by striking the item relating to section 950i and inserting the following new item:

''950i. Execution of sentence.''.

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(A) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

(2) OTHER PROVISIONS.—

(A) INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.—Section 2516(1)(a) of title 18, United States Code, is amended by striking ''by death or''.

(B) RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS.—Chapter 207 of title 18, United States Code, is amended—

(i) in section 3142(f)(1)(B), by striking ''or death''; and

(ii) in section 3146(b)(1)(A)(i), by striking ''death, life imprisonment,'' and inserting ''life imprisonment''.

(C) VENUE IN CAPITAL CASES.—Chapter 221 of title 18, United States Code, is amended—

(i) by striking section 3235; and

(ii) in the table of sections, by striking the item relating to section 3235.

(D) PERIOD OF LIMITATIONS.—

(i) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by striking section 3281 and inserting the following:

''§ 3281. Offenses with no period of limitations

''An indictment may be found at any time without limitation for the following offenses:

''(1) A violation of section 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) resulting in the death of any person.

''(2) A violation of section 34 of this title.

''(3) A violation of section 36(b)(2)(A) of this title.

''(4) A violation of section 37(a) of this title that results in the death of any person.

''(5) A violation of section 229A(a)(2) of this title.

''(6) A violation of section 241, 242, 245(b), or 247(a) of this title that—

''(A) results in death; or

''(B) involved kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(7) A violation of subsection (b) or (d) of section 351 of this title.

''(8) A violation of section 794(a) of this title.

''(9) A violation of subsection (d), (f), or (i) of section 844 of this title that results in the death of any person (including any public safety officer performing duties as a direct or proximate result of conduct prohibited by such subsection).

''(10) An offense punishable under subsection (c)(5)(B)(i) or (j)(1) of section 924 of this title.

''(11) An offense punishable under section 1091(b)(1) of this title.

''(12) A violation of section 1111 of this title that is murder in the first degree.

''(13) A violation of section 1118 of this title.

''(14) A violation of subsection (a) or (b) of section 1121 of this title.

''(15) A violation of section 1201(a) of this title that results in the death of any person.

''(16) A violation of section 1203(a) of this title that results in the death of any person.

''(17) An offense punishable under section 1512(a)(3) of this title that is murder (as that term is defined in section 1111 of this title).

''(18) An offense punishable under section 1716(j)(3) of this title.

''(19) A violation of subsection (b) or (d) of section 1751 of this title.

''(20) A violation of section 1958(a) of this title that results in death.

''(21) A violation of section 1959(a) of this title that is murder.

''(22) A violation of subsection (a) (except for a violation of paragraph (8), (9) or (10) of such subsection) or (b) of section 1992 of this title that results in the death of any person.

''(23) A violation of section 2113(e) of this title that results in death.

''(24) An offense punishable under section 2119(3) of this title.

''(25) An offense punishable under section 2245(a) of this title.

''(26) A violation of section 2251 of this title that results in the death of a person.

''(27) A violation of section 2280(a)(1) of this title that results in the death of any person.

''(28) A violation of section 2281(a)(1) of this title that results in the death of any person.

''(29) A violation of section 2282A(a) of this title that causes the death of any person.

''(30) A violation of section 2283(a) of this title that causes the death of any person.

''(31) An offense punishable under section 2291(d) of this title.

''(32) An offense punishable under section 2332(a)(1) of this title.

''(33) A violation of subsection (a) or (b) of section 2332a of this title that results in death.

''(34) An offense punishable under section 2332b(c)(1)(A) of this title.

''(35) A violation of section 2340A(a) of this title that results in the death of any person.

''(36) A violation of section 2381 of this title.

''(37) A violation of section 2441(a) of this title that results in the death of the victim.

''(38) A violation of section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)).

''(39) An offense punishable under subsection (a)(2)(B) or (b)(1)(B) of section 46502 of title 49.''

(ii) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3281 and inserting the following:

''3281. Offenses with no period of limitations.''.

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law.

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. WYDEN, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Ms. STABENOW, Mr. SCHUMER, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. BINGAMAN, and Ms. CANTWELL):

S. 651. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of nonqualified deferred compensation that employees of such companies may defer from taxation, and for other purposes; read the first time.

Mr. BAUCUS. Mr. President, over the past week, we have heard a lot about AIG paying out $165 million in bonuses to employees of its financial products unit. This is the same company that took $170 billion in taxpayer money just to stay afloat.

The Government owns 80 percent of AIG. Yet some people in the Government say that they were not able to do anything to stop these bonuses from being paid.

The country is angry, and I am angry.

President Obama ordered Secretary Geithner to use all available legal means to recover these bonuses. But that may not be enough. We may never be able to recover these payments.

The truth is we should not have to be in this position in the first place. When

we first passed the TARP funding, Senator GRASSLEY and I fought hard to include strong provisions in the bill on executive compensation. Unfortunately, the TARP program was not run as originally intended.

Even as we discuss this issue, reports are coming out that Fannie Mae and Freddie Mac are planning on paying retention bonuses to their executives.

This type of behavior has to stop, and it has to stop now.

Companies should not be taking taxpayer money for a bailout with one hand, and then paying out big bonuses with the other. Across the country, Americans are losing their jobs. They are stretching every dollar to cover the basic costs of living. Meanwhile, executives and employees at financial institutions are receiving big bonuses—bonuses that are being paid with taxpayer dollars.

I think that almost all of us can agree that companies receiving taxpayer money should not be paying these big bonuses. Unfortunately, it seems that this type of behavior is not going stop, unless we take action. Using Congress's power to tax appears to be the best option available to us to address these excessive bonuses.

So today, I join with my colleagues Senators GRASSLEY, WYDEN, and SNOWE, as well as others, to introduce a bill to do just that.

This bill makes sure that if a large institution receives government funds, and it then wants to pay out big bonuses, then it is going to face significant tax consequences. This bill would impose a 35 percent excise tax on each of the employer and the employee. It would apply to bonuses earned or paid after January 1 of this year.

For retention bonuses, the excise tax would be imposed on the full amount of the bonus. For all other bonuses, the excise tax would be imposed on all amounts over $50,000. The bill includes regulatory safeguards that would help to prevent companies from characterizing bonus payments as salaries to avoid the taxes.

This bill would also prevent companies from just deferring these bonuses to avoid paying this excise tax. This bill would prevent taxpayers from deferring more than $1 million in a 12 month period. If a taxpayer deferred more than $1 million, then the bill would impose a 20 percent penalty and interest.

Some have concerns about the small banks that want to take Federal money through the new SBA program that the President announced. Others have concerns about the larger banks that did not take much in TARP funds. The restrictions in this bill would not apply to small banks as defined in the tax code. And the restrictions would not apply to banks that receive less than $100 million of TARP funds or other Government assistance. And if those institutions wanted to pay back their TARP funds, they would no longer be subject to these restrictions.

The way that these companies are doing business must stop. This bill would change the way that TARP recipients and recipients of other similar Government aid operate. These companies would no longer be able to pay out big bonuses or give out huge amounts of deferred compensation without facing significant tax consequences.

The country is going through difficult times. Americans are scrimping and saving just to get by. We owe it to the American taxpayer to do all that we can to ensure that banks do not use taxpayer dollars to pay out big bonuses. I urge all of my Colleagues to join me in cosponsoring this important bill.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 653. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CARDIN. Mr. President, I rise today to introduce the Star-Spangled Banner Commemorative Coin Act. I am pleased that my colleague, the senior Senator from Maryland, is a co-sponsor. This legislation will honor our National Anthem and the Battle for Baltimore, which was a key turning point of the War of 1812, by creating two commemorative U.S. Mint coins.

The War of 1812 confirmed American independence from Great Britain in the eyes of the world. Before the war, the British had been routinely imposing on American sovereignty. They had impressed American merchant seamen into the British Royal Navy, enforced illegal and unfair trade rules with the United States, and allegedly offered assistance to American Indian tribes which were attacking frontier settlements. In response, the United States declared war on Great Britain on June 18, 1812, to protest these violations of ''free trade and sailors rights''.

After 2½ years of conflict, the British Royal Navy sailed up the Chesapeake Bay with combined military and naval forces, and in August 1814 attacked Washington, DC, burning to the ground the U.S. Capitol, the White House, and much of the rest of the capital city. After finishing with Washington, DC, the British moved to capture Baltimore, which in 1814 was a larger city.

As the British Royal Navy sailed up the Patapsco River on its way to Baltimore, American forces held the British fleet at Fort McHenry, located just outside of the city. After 25 hours of bombardment, the British failed to take the Fort and were forced to depart. American lawyer Francis Scott Key, who was being held on board an American flag-of-truce vessel, beheld at dawn's early light an American flag still flying atop Fort McHenry. He immortalized the event in a song which later became known as the Star-Spangled Banner.

The flag to which Key referred was a 30′ x 42′ foot flag made specifically for Fort McHenry. The commanding officer desired a flag so large that the British would have no trouble seeing it from a distance. This proved to be the case as Key visited the British fleet on September 7, 1814, to secure the release of Dr. William Beanes. Dr. Beanes was released, but Key and Beanes were detained on an American flag-of-truce vessel until the end of the bombardment. It was on September 14, 1814, that Key saw the great banner that inspired him to write the song that ultimately became our National Anthem.

The Star-Spangled Banner Commemorative Coins will honor this symbol of our nation and our National Anthem. Under this Act, the U.S. Treasury would mint up to 100,000 $5 gold coins and 500,000 $1 silver coins in 2012, in coordination with the 200th Anniversary of the War of 1812. Proceeds from surcharges for the coins will be paid to the Maryland War of 1812 Bicentennial Commission, for bicentennial activities, educational outreach, and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812. I hope my colleagues will join me in supporting this measure in a fitting tribute to a seminal chapter in American history.

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. 653

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 ''Star-Spangled Banner Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) During the Battle for Baltimore of the War of 1812, Francis Scott Key visited the British fleet in the Chesapeake Bay on September 7, 1814, to secure the release of Dr. William Beanes, who had been captured after the British burned Washington, D.C.

(2) The release of Dr. Beanes was secured, but Key and Beanes were held by the British during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) On the morning of September 14, 1814, after the 25-hour British bombardment of Fort McHenry, Key peered through the clearing smoke to see a 42-foot by 30-foot American flag flying proudly atop the Fort.

(4) He was so inspired to see the enormous flag still flying over the Fort that he began penning a song, which he named *The Defence of Fort McHenry*, to commemorate the occasion and he included a note that it should be sung to the tune of the popular British melody *To Anacreon in Heaven*.

(5) In 1916, President Woodrow Wilson ordered that the anthem, which had been popularly renamed the *Star-Spangled Banner*, be played at military and naval occasions.

(6) On March 3, 1931, President Herbert Hoover signed a resolution of Congress that officially designated the *Star-Spangled Banner* as the National Anthem of the United States.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as

the ''Secretary'') shall mint and issue the following coins in commemoration of the bicentennial of the writing of the *Star-Spangled Banner*:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the War of 1812 and particularly the Battle for Baltimore that formed the basis for the *Star-Spangled Banner*.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2012''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Maryland War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 654. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care; to the Committee on Finance.

Mr. BUNNING. Mr. President, today I am reintroducing an important piece of legislation that I have worked on for several years with Senator MIKULSKI from Maryland. I am pleased that she is joining me in introducing this bill today, and I look forward to working with her to get it passed.

The bill we are introducing today, the Equity and Access for Podiatric Physicians Under Medicaid Act, will ensure that Medicaid beneficiaries in all States have access to the services of top-quality podiatric physicians.

Having healthy feet and ankles is critical to keeping individuals mobile, productive and in good long-term health. This is particularly true for individuals with diabetes.

According to the Centers for Disease Control and Prevention, CDC, over 23 million Americans have diabetes, which amounts to over seven percent of the total population. Diabetes is the seventh leading cause of death in this country.

If not managed properly, diabetes can cause several severe health problems, including eye disease or blindness, kidney disease and heart disease. Too often, diabetes can lead to foot complications, including foot ulcers and even amputations. In fact, the CDC estimates that in 2004, about 71,000 people underwent an amputation of a leg, foot or toe because of complications with diabetes.

Proper care of the feet could prevent many of these amputations.

The bill we are introducing today recognizes the important role podiatrists can play identifying and correcting foot problems among diabetics. The bill amends Medicaid's definition of ''physicians'' to include podiatric physicians. This will ensure that Medicaid beneficiaries have access to foot care from those most qualified to provide it.

Under Medicaid, podiatry is considered an optional benefit. However, just because it is optional, does not mean that podiatric services are not needed, or that beneficiaries will not seek out other providers to perform these services. Instead, Medicaid beneficiaries will have to receive foot care from other providers who may not be as well trained as a podiatrist in treating lower extremities.

Also, it is important to note that podiatrists are considered physicians under the Medicare program, which allows seniors and disabled individuals to receive appropriate care.

I urge my colleagues to give careful consideration to this important bill. It will help many Medicaid beneficiaries across the country have access to podiatrists that they need.

Finally, I want to thank the Senator from Maryland for helping me reintroduce this legislation today. I hope that by working together we can see this important change made.

Ms. MIKULSKI. Mr. President, I rise today to join Senator BUNNING to introduce the Equity and Access for Podiatric Physicians Under Medicaid Act. I am proud to introduce this legislation that will ensure Medicaid patients have access to care provided by podiatric physicians.

This bill adds podiatric physicians to Medicaid's definition of physicians. Currently, podiatric physicians are defined as physicians under Medicare but not under Medicaid. Medicaid treats podiatric physicians as optional providers. This is a simple, commonsense bill that will treat podiatric physicians the same in Medicare and Medicaid. In this economic tsunami, with shrinking budgets and less to go around for Medicaid with more people in need, states are looking for ways to trim budgets and cut costs—one way to do that could be ending reimbursements to providers on Medicaid's ''optional list.'' That means diabetics who need foot and ankle care but cannot afford to pay out of pocket will not get preventive care from a podiatrist that literally can save life and limb.

In fact, covering podiatric physicians may be a cost-effective measure. Ensuring Medicaid patients access to podiatric physicians will save Medicaid funds in the long term. Seventy-five percent of Americans will experience some type of foot health problem during their lives and foot disease is the most common complication of diabetes leading to hospitalization. Foot care programs with regular examinations could prevent up to 85 percent of these amputations. We must focus more on prevention on our health care system, and podiatrists are important providers of this preventive care.

Podiatric physicians are the only health professionals specially trained to prevent wounds and amputations in the lower limbs in people with chronic conditions like diabetes. Conditions that can devastate feet and ankles. With obesity and diabetes reaching epidemic proportions in the U.S., the work of podiatrists is more important now than ever before. Over 23 million people in this country have diabetes, that is 8 percent of the U.S. populations. Approximately 82,000 people have diabetes-related Leg-,foot or toe amputations each year. Both the CDC and American Diabetes Association recommend that podiatric physicians are a part of the care plan for people with diabetes. Medicaid covers necessary foot and ankle services, so the program should allow podiatric physicians who provide these services to get reimbursed for them. I want Medicaid patients around the country, and the over 600,000 Medicaid patients in Maryland, to have access to these services.

I know how important the care provided by podiatric physicians can be from my own personal experience. Dr. Vince Martorana, a podiatrist practicing in Baltimore did great things for my mother. He handled everything from health maintenance to unique challenges facing my mother, who lived for many years with adult onset diabetes. My severely diabetic mother could walk on her own two feet until she passed away because of Dr. Martorana. My Uncle Tony was also a podiatric physician who practiced in Baltimore for more than 40 years. He was there helping Rosie the Riveters stay on the job during World War II. These were hardworking people who had to stand on their own two feet to make a living and Uncle Tony was going to make sure it happened.

Podiatric physicians need to be recognized for the important role they play in health care and be reimbursed for their services. This bill makes sure that happens and ensures Medicaid patients have access to essential medical and surgical foot and ankle care. The bill is strongly supported by the American Podiatric Medical Association and I urge my colleagues to cosponsor this important legislation.

By Mr. JOHNSON (for himself, Ms. STABENOW, Mr. TESTER, and Mr. THUNE):

S. 655. A bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes; to the Committee on Environment and Public Works.

Mr. JOHNSON. Mr. President, today I introduced legislation, along with Senators STABENOW and TESTER, that establishes a first-of-its-kind program to dedicate funds to advance important state wildlife recovery and restoration programs.

For many years, Congress has authorized a portion of the fees hunters and anglers pay on fishing and hunting gear to go to the States to support hunting and fishing. This program is a success and is part of the reason why we continue to have such a strong sportsman tradition in our country.

However, a critical need has gone unmet; a need that this bill will fill. The Teaming With Wildlife Act of 2009 leverages a share of the fees that oil and gas companies pay to the Federal government for the right to drill for oil and gas on federal land, to fund programs administrated by the States to conserve the habitats of nongame species. This bill is a partnership between the States and Federal Government. Each State and territory developed a wildlife action plan that guides how the funds authorized under this act will be spent. The plans ensure that State wildlife agencies take a comprehensive approach to conservation, focusing on efforts to support nongame species that are not threatened or endangered. States will match the Federal funds, leveraging the success of these on-the-ground conservation projects.

A rich and diverse environment is important to support our strong outdoor and sportsman tradition. All species are linked together. A successful pheasant hunt or landing a trophy walleye is connected to how we enhance the habitat of many other species. Enacting the Teaming With Wildlife Act will build on the tremendously successful programs of the 20th century and move us forward in broadening how we enhance all wildlife resources.

By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. KERRY, Ms. MIKULSKI, Ms. KLOBUCHAR, and Mr. KENNEDY):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

Mr. REED. 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. 656

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 ''Liberian Refugee Immigration Fairness Act of 2009''.

SEC. 2. ADJUSTMENT OF STATUS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—

(A) ELIGIBILITY.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for adjustment before April 1, 2011; and

(ii) is otherwise eligible to receive an immigrant visa and admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) INELIGIBLE ALIENS.—An alien shall not be eligible for adjustment of status under this section if the Secretary of Homeland Security determines that the alien has been convicted of—

(i) any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)); or

(ii) 2 or more crimes involving moral turpitude.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) IN GENERAL.—An alien present in the United States who has been subject to an order of exclusion, deportation, or removal, or has been ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1) if otherwise qualified under such paragraph.

(B) SEPARATE MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the order described in subparagraph (A).

(C) EFFECT OF DECISION BY SECRETARY.—If the Secretary of Homeland Security grants an application under paragraph (1), the Secretary shall cancel the order described in subparagraph (A). If the Secretary of Homeland Security makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided under subsection (a) shall apply to any alien—

(A) who is—

(i) a national of Liberia; and

(ii) has been continuously present in the United States from January 1, 2009, through the date of application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision in the Immigration and Nationality Act, the Secretary of Homeland Security shall not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary of Homeland Security has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary of Homeland Security may—

(i) authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application; and

(ii) provide the alien with an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment.

(B) PENDING APPLICATIONS.—If an application for adjustment of status under subsection (a) is pending for a period exceeding 180 days and has not been denied, the Secretary of Homeland Security shall authorize such employment.

(d) RECORD OF PERMANENT RESIDENCE.—Upon the approval of an alien's application for adjustment of status under subsection (a), the Secretary of Homeland Security shall establish a record of the alien's admission for permanent record as of the date of the alien's arrival in the United States.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); and

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Secretary of Homeland Security regarding the adjustment of status of any alien under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—If an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—

(1) DEFINITIONS.—Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply in this section.

(2) SAVINGS PROVISION.—Nothing in this Act may be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Secretary of Homeland Security in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

(3) EFFECT OF ELIGIBILITY FOR ADJUSTMENT OF STATUS.—Eligibility to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude an alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SPECTER, Mr. GRAHAM, Mr. FEINGOLD, Mr. CORNYN, and Mr. DURBIN):

S. 657. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week, the Nation celebrates the fifth annual Sunshine Week—a time when open Government advocates raise their voices to renew the call for open and transparent Government. Our democracy works best when citizens know what their Government is doing. There is no more appropriate time to recommit ourselves to defending the public's right to know.

Today, I am pleased to join Senators GRASSLEY and SCHUMER to reintroduce the Sunshine in the Courtroom Act of 2009. This bipartisan bill will improve access to Federal court proceedings for members of the public who are unable to travel to the courthouse. In the information age, providing the American people access to Federal courts is possible like never before. Not all Americans are able to invest the time and money in travelling to witness public courtroom proceedings.

I commend Senator GRASSLEY for his leadership over the last decade to expand access to the courts. A bipartisan majority of the Senate Judiciary Committee voted to report this legislation in the last Congress, but further consideration stalled on the Senate floor. I hope our efforts to pass this legislation will be successful this year.

The Federal courts serve as a bulwark for the protection of individual rights and liberties, and the Supreme Court is often the final arbiter of Constitutional questions that have a profound effect on all Americans. Allowing the public greater access to Federal courts will deepen Americans' understanding of the work that goes on in the courts. As a result, Americans can be better informed about how important judicial decisions are made.

I have continually supported efforts in Congress to make our Government more transparent and accessible. During my more than 3 decades in the Senate, I have worked to make Federal agencies more open and accountable to the public through a reinvigorated Freedom of Information Act, FOIA, and last year, the first major reforms to FOIA were enacted with the passage of the Leahy-Cornyn OPEN Government Act. I have also supported efforts to make the work of Congress more open to the American people. Just this week, I introduced the OPEN FOIA Act, which would require Congress to openly and clearly state its intention to provide for statutory exemptions to FOIA in proposed legislation. The freedom of information is one of the cornerstones of our democracy. For more than 4 decades, FOIA has been among the most important Federal laws that protect the public's right to know.

The work of the Federal judiciary is also open to the public. Proceedings in Federal courtrooms around this country are open to the public, and jurists publish extensive opinions explaining the reasons for their judgments and decisions. Nevertheless, more can and must be done to increase access to the Federal courts. All 50 States currently allow some form of audio or video coverage of court proceedings, but the Federal courts lag behind. The legislation we introduce today simply extends this tradition of openness to the Federal level.

Although this bill permits presiding appellate and district court judges to allow cameras in most public Federal court proceedings, it does not require that they do so. An exception is carved out for instances where a camera would violate the due process rights of an involved party. At the same time, the bill protects non-party witnesses by giving them the right to have their voices and images obscured during their testimony. I believe these protections strike the proper balance between security needs and the protection of personal privacy, while at the same time ensuring the public will always have a right to know what their Government is doing.

Finally, the bill authorizes the Judicial conference of the U.S. to issue advisory guidelines for use by presiding judges in determining the management and administration of photographing, recording, broadcasting, or televising the proceedings.

In 1994, the Judicial conference concluded that it was not the right time to permit cameras in the Federal courts, and rejected a recommendation of the Court Administration and Case Management Committee to authorize the use of cameras in Federal civil trial and appellate courts. A majority of the Conference was concerned about the intimidating effect of cameras on some witnesses and jurors.

I understand that the Judicial conference remains opposed to cameras in the Federal courts, and I am sensitive to the conference's concerns. But this legislation grants the presiding judge the authority to evaluate the effect of a camera on particular proceedings and witnesses, and decide accordingly on whether to permit the camera into the courtroom. A blanket prohibition on cameras is an unnecessary limitation on the discretion of the presiding judge.

This legislation is an important step towards making the work of the Federal judiciary more widely available for public scrutiny. I hope all Senators will join us in bringing more transparency to the Federal courts.

By Mr. ALEXANDER:

S. 659. A bill to improve the teaching and learning of American histroy and civics; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, on a day in a week when there is a lot of news where people are hurting in a serious economy, I have some good news to report, and it will just take me a few minutes to do it. Our senior Senator, Mr. BYRD, Senator TED KENNEDY, who is chairman of the Committee on Health, Education, Labor and Pensions, and I introduced legislation today that will help push the teaching of U.S. history in our classrooms. The way I like to describe it is by saying this: that it will help to put the teaching of American history and civics back in its rightful place, in our classrooms, so our children can grow up learning what it means to be an American.

The legislation which we have introduced would expand summer academies for outstanding teachers, authorize new teacher programs, require States to set standards for the teaching and learning of U.S. History, and create new opportunities to compare the tests that students take on U.S. history.

Specifically, the legislation would, No. 1, authorize 100 new summer academies for outstanding students and teachers of U.S. history and align those academies with locations in our national park system, such as the John Adams' House in Massachusetts or the Independence Hall in Philadelphia. I see the pages sitting here today. They are real students of U.S. history because they live it and learn it each day they are here. I don't know what their scores are on the advanced placement tests for U.S. history, but I know one fact, which the Chair may be interested in learning: The highest scores in any high school in America on the advanced placement test for U.S. history is not from a New England prep school or a Tennessee prep school or an elite school in some rich part of America; it is from the page school of the House of Representatives. They had better scores on U.S. history than any other high school. I don't know what the Senate page scores were, so I won't compare them.

The point is—and this is an idea David McCullough, a well-known author, had: We would expand the number of presidential and congressional academies for outstanding students and teachers and have them placed in the National Park Service initiative.

Second, the bill we've introduced today would double the authorization of funding for the teaching of American history programs in local school districts, which today involve 20,000 students as a part of the No Child Left Behind Act.

Third, it would require States to develop and implement standards for student assessments in U.S. history, although there would be no Federal reporting requirement, as there is now for reading and mathematics.

Finally, it would allow States to compare history and civics student test scores in the 8th and 12th grades by establishing a 10–State pilot program expanding the National Assessment of Education Progress (NAEP), which is also called the ''Nation's Report Card.'' We have a tradition in the Senate where each of us, when we first arrive, make a maiden speech. We still call it that. Most of us pick a subject that is important to us. I made mine almost exactly 6 years ago, on March 4, 2003. The subject was something I cared about then and care about today and on which we have made some progress.

I argued, as I mentioned earlier, it was time to put the teaching of American history and civics back in its rightful place in our schools so as our children grow, they can learn what it means to be an American. On the ''Nation's Report Card,'' our worst scores for our seniors in high school are not in math or science but in U.S. history. It will be very difficult for us as a country to succeed if we don't learn where we came from.

I ask unanimous consent that the speech I made 6 years ago be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. Mr. President, I ask unanimous consent that if Senator BYRD and Senator KENNEDY make statements today on this legislation, as I believe they will, that our statements be put in the RECORD in about the same place, with Senator BYRD's first, then Senator KENNEDY's, and mine third.

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

Mr. ALEXANDER. Mr. President, in the speech I made 6 years ago, I called it the American History and Civics Education Act. I suggested we create summer academies for outstanding students and teachers of American history. The idea was to create one of those academies focused on American history and civics for teachers and one for students and to see how they worked and to gradually expand them.

These presidential academies for students and teachers were modeled after the Tennessee Governors School, which I began when I was Governor of Tennessee, which still continue today, after 20 years. They are relatively inexpensive. They are 2-, 3-, or 4-week schools for students, and one for teachers. They held students in a variety of subjects, such as mathematics, science, the arts, international studies. They come together for a while and inspire one another, and then they go back to their schools and inspire their fellow students. They have been a great success in Tennessee and in other States.

Senator REID, the majority leader, was the whip at that time. He was on the floor when I made my remarks and he asked to be the prime cosponsor of the legislation, and he was. Senator KENNEDY, who has had a long interest in U.S. history, takes his family once a year to some an historical part of the United States. A couple years ago, they went into Virginia and saw where Patrick Henry made his famous speech. I kid him and say he cares so much about history because he is a part of it in such a big way. Senator KENNEDY heard about the proposal, and he went along the Democratic side and rounded up 20 cosponsors of the legislation. So, Senator KENNEDY, Senator REID and I and several Republican Senators introduced a bill. We had a hearing during which Senator BYRD testified on behalf of my proposal for summer academies. It passed the Senate and the House, and we have had those summer academies now for three summers. One of those is at the Ashland University in Ashland, OH, which has been a great success. I see the students and teachers every summer. I bring them on the Senate floor, and it has been proven that it is good for teachers and good for our country. So that is the reason we want to expand those programs. We also felt we would meet as a group—those of us who have something to do with U.S. history here—and we met with the Library of Congress and with other parts of the Federal Government and many of us are involved in helping Americans learn more about our country's history, especially young people. As part of that, we thought it would be wise to try to consolidate in one section of the Elementary and Secondary Education Act—which we call No Child Left Behind—the various programs we already have for U.S. history and then to expand those that seemed worthwhile.

That is what this legislation does. There is a great need for it. I mentioned earlier that it is our worst subject for high school, even though some of our pages seem to do pretty well. Very few students score at or above the proficient level on the American history exam conducted by the National Assessment for Education Progress. Twenty percent of fourth graders were proficient in U.S. history, 17 percent of eighth graders were proficient in U.S. history, and 12 percent of high school seniors were proficient in U.S. history.

In addition, the No Child Left Behind Act may have had the unintentional effect of reducing the focus on U.S. history, as some school districts have concentrated their efforts on reading and mathematics. Therefore, it is appropriate and necessary to improve and expand State and local efforts to increase the understanding and awareness of American history and to do it, of course, in a way that doesn't preempt State and local responsibility and authority for elementary and secondary education.

Therefore, what the legislation we are doing today will do is expand the summer academies. We call them presidential academies for teachers and congressional academies for students. Those academies were created in 2004 to the number of 100 in the summer gradually over the years. The priority would be to place those academies in the National Park Service's national centennial parks initiative so the Library of Congress, the Smithsonian, and other museums that have innovative programs in U.S. history can be aligned with these academies. David McCullough, for example, suggested we have the academies at locations such as Andrew Jackson's home in Heritage. I think an even better idea would be to have a week for U.S. teachers at John Adams' home in Massachusetts, with Mr. McCullough as the teacher. That is the idea.

Secondly, we would expand the Nation's report card—we call that NAEP—so there could be a 10–State pilot program for American history and civics student assessment in grades 8 and 12. Today, our Nation's report card doesn't measure State performance in American history. It gives us a picture of how 8th to 12th graders do nationally. This would permit Colorado, Tennessee, Alaska, and California to compare the seniors and, in doing so, call attention to improvements that might need to be made.

The third thing would be to require all States to develop and implement standards and assessments in American history under the No Child Left Behind Act. But it doesn't require any Federal reporting, as we do in other subjects.

Finally, it would take Senator BYRD's program—called Teaching American History, which he put into the No Child Left Behind Act 6 years ago—and it would double the authorization for that program from $100 million to $200 million, so it can serve even more than the 20,000 teachers it serves today.

I thank David Cleary and Sarah Rittling of my staff, who have worked hard with the staffs of Senators BYRD and KENNEDY to prepare this legislation. We intend to invite all Members of the Senate, and we hope the House will join us in cosponsoring this.

Finally, I wish to tell one short story to conclude my remarks about some of the teachers who have participated. One of the things a Senator can do is to bring someone on the Senate floor who is not a Senator. It has to be done when the Senate is not in session and I have found it is a great privilege for most Americans. Early one morning last summer, I brought onto the Senate floor the 50 teachers who had been selected—one from each State—for the presidential academy for outstanding teachers of American history. I showed them Daniel Webster's desk right here, and I showed them Jefferson Davis's desk, which is back there, and where the sword mark is where when the Union soldier came in and started chopping the desk, and the soldier who was stopped by a commander who said, ''We came to save the Union, not destroy it.'' I showed them where the majority and minority leaders speak. They saw ''E Pluribus Unum'' up there, and ''In God We Trust'' back there. They learned that we operate by unanimous consent, and we talked about what it would be like to actually try to operate a classroom by unanimous consent, much less the Senate.

As you might expect, they asked a lot of good questions, being outstanding history teachers. I especially remember the final question. I believe it was from the teacher from Oregon who asked: Senator, what would you like for us to take back to our students? I said that what I hope you will take back is that I get up every day, and I believe most of us on either side get up hoping that by the end of the day, we will have done something to make our country look better. It may not look that way on television or read that way in the newspaper because we are sent here to debate great issues. That produces conflict and disagreement a lot of the time. I feel, and I believe all of us feel, we are in a very special place, in a very special country, with a very special tradition. We would like for the students to know that and to know that is how we feel about the job we have.

I am delighted today that Senators BYRD and KENNEDY, who have contributed so much to U.S. history over the years, both in their own personalities and by legislation they have introduced, have joined me in this effort to expand the Federal programs that focus on putting U.S. history and civics in a little higher place in the classroom so that our students learn what it means to be an American.

I invite my colleagues to join us, and I invite all Americans to join us in their communities, in their schools and in their States, to make that a priority.

EXHIBIT 1

REMARKS OF SEN. ALEXANDER—AMERICAN HISTORY AND CIVICS EDUCATION ACT INTRODUCTION

Mr. President, from the Senate's earliest days, new members have observed as we just heard a ritual of remaining silent during floor debates for a period of time that ranged from several weeks to two years. By waiting a respectful amount of time before giving their so-called ''maiden speeches,'' freshman senators hoped their senior colleagues would respect them for their humility.

This information comes from the Senate historian, Richard Baker, who told me that in 1906, the former Governor of Wisconsin, Robert LaFollette, arrived here ''anything but humble'' (and I'm sensitive to this as a former governor). He waited just three months, a brief period by the standards of those days, before launching his first major address. He spoke for eight hours over three days; his remarks in the Congressional Record consumed 148 pages. As he began to speak, most of the senators present in the chamber pointedly rose from their desks and departed. LaFollete's wife, observing from the gallery, wrote, ''There was no mistaking that this was a polite form of hazing.''

From our first day here, as the majority leader said, we new members of this 108th Congress have been encouraged to speak up, and most of us have. But, with the encouragement of the majority leader, several of us intend also to revive the tradition of the maiden address by making a signature speech on an issue that is important both to the country and to each of us. I want to thank my colleagues who are here, and I want to assure all of you that I will not speak for three days—as former Governor LaFollette did.

Mr. President, I rise to address the intersection of two urgent concerns that will determine our country's future. These are also the two topics I care about the most: the education of our children and the principles that unite us as Americans.

It is time that we put the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

Especially during such serious times when our values and way of life are being attacked, we need to understand clearly just what those values are.

In this, most Americans would agree. For example, in Thanksgiving remarks in 2001, President Bush praised our nation's response to September 11. ''I call it,'' he said, ''the American character.'' At about the same time, while speaking at Harvard, former Vice-President Al Gore said, ''We should [fight] for the values that bind us together as a country.''

Both men were invoking a creed of ideas and values in which most Americans believe. ''It has been our fate as a nation,'' the historian Richard Hofstadter wrote, ''not to have ideologies but to be one.'' This value based identity has inspired both patriotism and division at home, as well as emulation and hatred abroad. For terrorists, as well as for those who admire America, at issue is the United States itself—not what we do, but who we are.

Yet our children do not know what makes America exceptional. National exams show that three-quarters of the nation's 4th, 8th and 12th graders are not proficient in civics knowledge and one-third does not even have basic knowledge, making them ''civic illiterates.''

Children are not learning about American history and civics because they are not being taught it. American history has been watered down, and civics is too often dropped from the curriculum entirely.

Until the 1960s, civics education, which teaches the duties of citizenship, was a regular part of the high school curriculum, but today's college graduates probably have less civics knowledge than high school graduates of 50 years ago. Reforms, so-called, in the '60s and '70s resulted in the widespread elimination of required classes and curriculum in civics education. Today, more than half the states have no requirement for students to take a course—even for one semester—in American government.

To help put the teaching of American history and civics in its rightful place, today I introduce legislation along with several distinguished co-sponsors including: Senators Reid, Gregg, Santorum, Inhofe and Nickles. We call it the ''American History and Civics Act.'' This act creates Presidential Academies for Teachers of American History and Civics and Congressional Academies for Students of American History and Civics. These residential academies would operate for two weeks (in the case of teachers) and four weeks (for students) during the summer.

Their purpose would be to inspire better teaching and more learning of the key events, persons and ideas that shape the institutions and democratic heritage of the United States.

I have had some experience with such residential summer academies, when I was Governor of Tennessee. In 1984, we began creating Governor's schools for students and teachers. For example, there was the Governor's School for the Arts at Middle Tennessee State University and the Governor's School of International Studies at the University of Memphis as well as the Governor's School for Teachers of Writing at the University of Tennessee at Knoxville, which was especially successful. Eventually there were eight Governor's Schools helping thousands of Tennessee teachers improve their skills and inspiring outstanding students to learn more about core curriculum subjects. When these teachers and students returned to their schools for the next school year, they brought with them a new enthusiasm for teaching and learning that infected their peers. Dollar for dollar, the Governor's Schools were one of the most effective and popular educational initiatives in our state's history.

States other than Tennessee have had similar success with summer residential academies. The first Governor's school was started in North Carolina in 1963 when Governor Terry Sanford established it at Salem College in Winston-Salem. Upon the establishment of the first school, several states, including Georgia, South Carolina, Arkansas, Kentucky, and Tennessee established similar schools.

For example, in 1973 Pennsylvania established Governor's Schools of Excellence, which has 14 different programs of study. As in Tennessee, students participating in the Pennsylvania Governor's School program attend academies at 8 different colleges to

study everything from international studies, to health care and teaching. Also established in 1973, Virginia's Governor's School is a summer residential program for 7500 of the Commonwealth's most gifted students. Mississippi established its Governor's School in 1981. The Mississippi University for Women hosts the program, which is designed to give students academic, creative, and leadership experiences. Every year West Virginia brings 80 of its most talented high school performing and visual arts students to West Liberty State College for a three-week residential program.

These are just a few of the more than 100 Governors' schools in 28 states—clearly the model is a good one. The legislation I propose today applies that successful model to American history and civics education at the national level by establishing Presidential and Congressional academies for students and teachers of those subjects.

Additionally, this proposed legislation authorizes the creation of a national alliance of American history and civics teachers who would be connected by the internet. The alliance would facilitate sharing of best practices in the teaching of American history and civics. It is modeled after an alliance I helped the National Geographic Society begin during the 1980's to put geography back into the American school curriculum. Tennessee and the University of Tennessee were among the first sponsors of the alliance.

This legislation creates a pilot program. Up to 12 Presidential academies for teachers and 12 Congressional Academies for students would be sponsored by educational institutions. The National Endowment for the Humanities would award 2–year renewable grants to those institutions after a peer review process. Each grant would be subject to rigorous review after three years to determine whether the overall program should continue, expand or end. The legislation authorizes $25 million annually for the four year pilot program.

There is a broad basis of renewed support for and interest in American history and civics in our country.

David Gordon noted in a recent issue of the Harvard Education Letter: ''A 1998 survey by the nonpartisan research organization Public Agenda showed that 84 percent of parents with school-aged children said they believe that the United States is a special country and they want schools to convey that belief to their children by teaching about its heroes and traditions. Similar numbers identified the American ideal as including equal opportunity, individual freedom, and tolerance and respect for others. Those findings were consistent across racial and ethnic groups.''

Our national leadership has responded to this renewed interest. In 2000, at the initiative of my distinguished colleague Senator Byrd, Congress created grants for schools that teach American history as a separate subject within school curricula. We appropriated $100 million for those grants in the recent Omnibus appropriations bill, and rightfully so. They encourage schools and teachers to focus on the teaching of traditional American history, and provide important financial support.

Last September, with historian David McCullough at his side, President Bush announced a new initiative to encourage the teaching of American history and civics. He established the ''We the People'' program at the NEH, which will develop curricula and sponsor lectures on American history and civics. He announced the ''Our Documents'' project, run by the National Archives. This would take one hundred of America's most important documents from the National Archives to classrooms and communities across the country. This year, he will convene a White House forum on American history, civics, and service. There, we will discuss new policies to improve the teaching of history and civics in elementary and secondary schools.

This proposed legislation takes the next step by training teachers and encouraging outstanding students. We need to foster a love of this subject and arm teachers with the skills to impart that love to their students.

I am pleased that today one of the leading members of the House of Representatives, Roger Wicker of Mississippi, along with a number of his colleagues, are introducing the same legislation in the House.

I want to thank Senator Gregg, Chairman of the Committee on Health, Education, Labor and Pensions, who has agreed that the committee will hold hearings on this legislation so that we can determine how it might supplement and work with recently enacted legislation and the President's various initiatives.

Mr. President, in 1988, at a meeting of educators in Rochester, the President of Notre Dame University, Monk Malloy, asked this question: ''What is the rationale for the public school?'' There was an unexpected silence around the room until Al Shanker, the president of the American Federation of Teachers, answered in this way: ''The public school was created to teach immigrant children the three R's and what it means to be an American with the hope that they would then go home and teach their parents.''

From the founding of America, we have always understood how important it is for citizens to understand the principles that unite us as a country. Other countries are united by their ethnicity. If you move to Japan for example, you can't become Japanese. Americans, on the other hand, are united by a few things in which we believe. To become an American citizen, you subscribe to those principles. If there were no agreement on those principles, as Samuel Huntington has noted, we would be the United Nations instead of the United States of America.

There has therefore been a continuous education process to remind Americans just what those principles are. Thomas Jefferson, in his retirement at Monticello, would spend evenings explaining to overnight guests what he had in mind when he helped create what we call America. By the mid-19th century it was just assumed that everybody knew what it meant to be an American. In his letter from the Alamo, Col. William Barrett Travis pleaded for help simply ''in the name of liberty, patriotism and everything dear to the American character.''

There were new waves of immigration in the late 19th century that brought to our country a record number of new people from other lands whose view of what it means to be an American was indistinct—and Americans responded by teaching them. In Wisconsin, for example, the Kohler Company actually housed German immigrants together so that they might be ''Americanized'' during non-working hours.

But the most important Americanizing institution, as Mr. Shanker reminded us in Rochester in 1988, was the new common school. McGuffey's Reader, which was used in many classrooms, sold more than 120 million copies introducing a common culture of literature, patriotic speeches and historical references.

In the 20th century it was war that made Americans stop and think about what we were defending. President Roosevelt made certain that those who charged the beaches of Normandy knew they were defending for freedoms.

But after World War II, the emphasis on teaching and defining the principles that unite us has waned. Unpleasant experiences with McCarthyism in the 1950's, discouragement after the Vietnam War, and history books that left out or distorted the history of African-Americans made some skittish about discussing ''Americanism.'' The end of the Cold War removed a preoccupation with who we were not, making it less important to consider who we are. The Immigration law changes in 1965 brought to our shores many new Americans and many cultural changes. As a result, the American Way became much more often praised than defined.

Changes in community attitudes, as they always are, were reflected in our schools. According to historian Diane Ravitch, the public school virtually abandoned its role as the chief Americanizing Institution. We have gone, she explains, from one extreme (simplistic patriotism and incomplete history) to the other—''public schools with an adversary culture that emphasize the nation's warts and diminish its genuine accomplishments. There is no literary canon. There are no common readings, no agreed upon lists of books, poems and stories from which students and parents might be taught a common culture and be reminded of what it means to be an American.''

During this time many of our national leaders contributed to this drift toward agnostic Americanism. These leaders celebrated multiculturalism and bilingualism and diversity at a time when there should have been more emphasis on a common culture and learning English and unity.

America's variety and diversity is a great strength, but it is not our greatest strength. Jerusalem is diverse. The Balkans are diverse. America's greatest accomplishment is not its variety and diversity but that we have found a way to take all that variety and diversity and unite ourselves as one country. E pluribus unum: out of many, one. That is what makes America truly exceptional.

Since 9/11 the national conversation about what it means to be an American has been different. The terrorists focused their crosshairs on the creed that unites Americans as one country—forcing us to remind ourselves of those principles, to examine and define them, and to celebrate them. The President himself has been the lead teacher. President Bush has literally taken us back to school on what it means to be an American. When he took the country to church on television after the attacks he reminded us that no country is more religious than we are. When he walked across the street to the mosque he reminded the world that we separate church and state and that there is freedom here to believe in whatever one wants to believe. When he attacked and defeated the Taliban, he honored life. When we put planes back in the air and opened financial markets and began going to football games again we celebrated liberty. The President called on us to make those magnificent images of courage and charity and leadership and selflessness more permanent in our every day lives through Freedom Corps. And with his optimism, he warded off doomsayers who tried to diminish the real gift of Americans to civilization, our cockeyed optimism that anything is possible.

Just after 9/11, I proposed an idea I called ''Pledge Plus Three.'' Why not start each school day with the Pledge of Allegiance—as we do here in the Senate—followed by a faculty member or student sharing for three minutes ''what it means to be an American.'' The Pledge embodies many of the ideals of our National Creed: ''one nation, under God, indivisible, with liberty and justice for all.'' It speaks to our unity, to our faith, to our

value of freedom, and to our belief in the fair treatment of all Americans. If more future federal judges took more classes in American history and civics and learned more about those values, we might have fewer mind-boggling decisions like the one issued recently by the Ninth Circuit.

Before I was elected to the Senate, I taught some of our future judges and legislators a course at Harvard's John F. Kennedy School of Government entitled ''The American Character and America's Government.'' The purpose of the course was to help policy makers, civil servants and journalists analyze the American creed and character and apply it in the solving of public policy problems. We tried to figure out, if you will, what would be ''the American way'' to solve a given problem.

The students and I did not have much trouble deciding that America is truly exceptional (not always better, but truly exceptional) or in identifying the major principles of the American Creed or the distinct characteristics of our country. Such principles as: liberty, equal opportunity, rule of law, laissez faire, individualism, e pluribus unum, the separation of church and state.

But what we also found as we find in this body was that applying those principles to today's issues was hard work. This was because the principles of the creed often conflicted. For example, when discussing President Bush's faith-based charity legislation, we know that ''In God We Trust'' but we also know that we don't trust government with God.

When considering whether the federal government should pay for scholarships which middle and low income families might use at any accredited school—public, private or religious—we find that the principle of equal opportunity conflicted with the separation of church and state.

And we find there are great disappointments when we try to live up to our greatest dreams, for example, President Kennedy's pledge that we will ''pay any price or bear any burden'' to defend freedom, or Thomas Jefferson's assertion that ''all men are created equal,'' or the American dream that for anyone who works hard, tomorrow will always be better than today. We are often disappointed when we try to live up to those dreams.

We learned that, as Samuel Huntington has written, balancing these conflicts and disappointments is what most of American politics and government is about.

Mr. President, if most of our politics and government is about applying to our most urgent problems the principles and characteristics that make us the exceptional United States of America, then we had better get about the teaching and learning of those principles and characteristics.

The legislation I propose today with several co-sponsors will help our schools do what they were established to do in the first place. At a time when there are record numbers of new Americans, and at a time when our values are under attack, at a time when we are considering going to war to defend those values, there can be no more urgent task than putting the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

By Mr. HATCH (for himself and Mr. DODD):

S. 660. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I rise today to introduce the National Pain Care Policy Act of 2009. I am pleased to have worked with my good friend, Senator CHRIS DODD, on this legislation that will create a comprehensive framework for addressing coordinated research, public education and training in pain and pain management. I also want to acknowledge the work of my colleagues in the House, Representatives LOIS CAPPS and MIKE ROGERS, for their efforts in that body to highlight this important health issue.

According to the Centers for Disease Control and Prevention, CDC, more than 25 percent of Americans over age 20 report having suffered pain. Of the older people reporting pain, more than half say their pain lasted for an entire year or longer. But many older people do not report their pain because they believe nothing can be done or they are unaware that effective treatments may exist.

Health care professionals are often not adequately trained to manage their patients' pain. They may be unfamiliar with the latest research and guidelines, or they might hesitate to prescribe medication for pain management due to concerns about dosing or dependency. A widely acknowledged barrier to patient care includes misconceptions and concerns by health care providers regarding laws and policies on the use of controlled substances. Some patients do not tell their doctors they are experiencing pain because they do not want to bother them or appear to be a complainer.

The National Pain Care Act of 2009 will help researchers, patients and health care providers better understand and manage pain care. It will coordinate federal research activities by establishing an Interagency Pain Coordinating Committee. The legislation also authorizes funds for pain research at the National Institutes of Health, NIH, and requires a report to Congress on the progress made in this area. The Coordinating Committee will summarize in their report the advances in pain care research supported or conducted by federal agencies and identify the research gaps that, if filled, could shed light on the symptoms and causes of pain.

The bill will establish a public awareness campaign highlighting pain as a serious public health issue. The campaign will provide messages to the public on the need to appropriately assess, diagnose, treat and manage pain, and will alert the public to available treatments options for pain care management. It will also help patients weigh the risks and benefits of these options so that they may make better informed decisions with their health care providers.

The National Pain Care Policy Act of 2009 also creates greater training capacity in health-professions schools, hospices and other health care professional training facilities. This training will ensure that more health professionals have the capacity to manage their patients' pain using the most recent findings and improvements in the provision of pain care. Health professionals in a variety of settings will learn better means for assessing, diagnosing, treating and managing pain signs and symptoms and, as a result, will become more knowledgeable about applicable policies on the use of controlled substances.

This bill contains provisions that will help the many Americans who suffer from joint pain, one of the most common types of pain reported. One-third of adults reported joint pain, aching or stiffness, according to a CDC report on the nation's health. It will also reduce hospitalization costs that are associated with hip and knee replacements that may be unnecessary if the underlying pain can be adequately controlled.

Finally, the National Pain Care Act of 2009 will also help migraine sufferers, cancer patients and those experiencing lower back pain. Cancer patients should not have to spend their final days in pain. Lower back pain is the most common cause of job-related disability and relieving that complaint could increase worker productivity and alleviate many lost days of work.

This is an important piece of legislation; it is one that, if passed, will improve the lives of many. Quite frankly, I believe it is long overdue. Similar legislation was introduced last year in both chambers of Congress—the House passed its legislation late in the year, but, unfortunately, the Senate did not consider the bill before the 110th Congress adjourned. The legislation we introduce today is identical to that which the House passed last year. I thank Senator DODD for his leadership on this important issue and I urge my colleagues to support the prompt passage of our bill.

Mr. DODD. Mr. President, I rise today to join my colleague from Utah, Senator ORRIN HATCH, in introducing the National Pain Care Policy Act of 2009. This important legislation would make significant strides in the understanding and treatment of pain as a medical condition. Pain is the most common symptom leading to medical care and a leading health issue. Yet people suffering through pain often struggle to get relief because of a variety of issues. This is why we are introducing this important legislation.

Each year pain results in more than 50 million lost workdays estimated to cost the United States $100 billion. Beyond the economic impact, pain is a leading cause of disability, with back pain alone causing chronic disability in 1 percent of the population of this country. In the U.S. 40 million people suffer from arthritis, more than 26 million, ages 20 to 64, experience frequent back pain, more than 25 million experience migraine headaches, and 20 million have jaw and lower facial pain each year. It is estimated that 70 percent of cancer patients have significant pain as they fight the disease. Half of all patients in hospitals suffer through

moderate to severe pain in their last days. As with many medical conditions, this is a problem that is likely to become worse as the baby boom generation approaches retirement and the population ages.

Sadly, though most pain can be relieved, it often is not. Many suffering patients are reluctant to tell their medical provider about the pain they are experiencing, for fear of being identified as a ''bad patient,'' and concern about addiction often leads patients to avoid seeking or using medications to treat their pain. But even if patients were more forthcoming about their condition, few medical providers are equipped to do something about it. Often they have not been trained in assessment techniques or pain management, and are unaware of the latest research, guidelines, and standards for treatment. There is also concern among most providers that prescribing treatment for pain will lead to greater scrutiny by regulatory agencies and insurers.

But we can do something about these barriers and help individuals suffering from pain. The National Pain Care Policy Act would lead to improvements in pain care across the country. The legislation would call for an Institute of Medicine conference on pain care to increase awareness of this issue as a public health problem, identify barriers to pain care and determine action for overcoming those barriers. A number of years ago, my good friend Sen. HATCH helped establish a Pain Consortium at the National Institutes of Health to establish a coordinated pain research agenda. This legislation will codify that consortium and update its mission. The bill addresses the training and education of health care professionals through new grant programs at the Agency for Health Research and Quality, AHRQ, and the Health Resources and Services Administration, HRSA. And finally this legislation creates a national outreach and awareness campaign at the Department of Health and Human Services to educate patients, families, and caregivers about the significance of pain and the importance of treatment.

I want to thank Senator HATCH for his leadership on this issue and urge my colleagues to join us on this important effort to help the millions of Americans suffering from severe pain.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, Mr. BAYH, Mr. BROWN, and Mr. PRYOR):

S. 661. A bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing a bill, with Senators SUSAN COLLINS, DEBBIE STABENOW, OLYMPIA SNOWE, EVAN BAYH, SHERROD BROWN, and MARK PRYOR that would enable the retooling and transformation of our industrial sector by using less energy, reducing greenhouse gas emissions, and producing the technologies that will help the U.S. and the world break its dependence on fossil fuel.

Today our country is facing some of the toughest economic hurdles that many of us have ever seen. In our manufacturing sector, we have lost nearly a million, high quality jobs in the last year, with over 200,000 jobs lost in just the last month. These are not just jobs that we are losing—the industrial foundation upon which our Nation's wealth has been built is eroding. We are losing technical expertise and the skilled and inventive workforce that go with these jobs. We are losing the opportunity to grow our economy and the ability to compete on a global scale.

With this current economic downturn, and the energy, climate, and global competitiveness challenges lying before us, we have come to a critical juncture in our Nation's industrial history—we must make a choice as to what the future of manufacturing will be for this country. At this moment, while the rest of the world is at a pause, this nation has the opportunity to re-invent and transform our industrial base to compete globally through technical innovation and product superiority, all while, reducing our dependence on carbon-based fuels, reducing greenhouse gas emissions, and increasing productivity.

The Restoring America's Manufacturing Leadership through Energy Efficiency Act of 2009 establishes the financing mechanisms for both small and large manufactures to adopt the advanced energy efficient production technologies and processes that will allow them to be more productive and less fuel dependent, cutting costs, not jobs.

Second, this bill provides for public/private partnerships with industry to map out the future of advanced American manufacturing and to develop and deploy the breakthrough technologies that will take us there. By spurring innovation in our manufacturing sector to decrease energy intensity and environmental impacts, while increasing productivity, we can create the high tech, high-value manufacturing processes and jobs for the 21st century that will allow the U.S. to compete against anyone, anywhere.

Third, this legislation supports the domestic production of advanced energy technologies to fuel the growth of renewables and efficiency and capture the clean energy market, creating millions of American jobs.

These steps, combined with the manufacturing tax credit that I included in the American Reinvestment and Recovery Act, a national renewable portfolio standard, and the President's commitment to doubling renewable energy production in just 3 years will serve as a strong base and commitment on which to build the New American Manufacturing. I look forward to the impact that this legislation will have on increasing our industrial competitiveness and hope that we can incorporate additional ideas as the legislative process proceeds.

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. 661

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 ''Restoring America's Manufacturing Leadership through Energy Efficiency Act of 2009''.

SEC. 2. INDUSTRIAL ENERGY EFFICIENCY GRANT PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) is amended—

(1) in the section heading, by inserting ''**AND INDUSTRY**'' before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

''(h) INDUSTRIAL ENERGY EFFICIENCY GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

''(A) reduce systems energy intensity, including the use of energy intensive feedstocks; and

''(B) improve the industrial competitiveness of the United States.

''(2) ELIGIBLE LENDERS.—To be eligible to receive a grant under this subsection, a lender shall—

''(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

''(B) lead a partnership that includes participation by, at a minimum—

''(i) a State government agency; and

''(ii) a private financial institution or other provider of loan capital;

''(C) submit an application to the Secretary, and receive the approval of the Secretary, for a grant to carry out a loan program described in paragraph (1); and

''(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

''(3) PRIORITY.—In making grants under this subsection, the Secretary shall provide a priority to partnerships that include a power producer or distributor.

''(4) AWARD.—The amount of a grant provided to an eligible lender shall not exceed $100,000,000 for any fiscal year.

''(5) ELIGIBLE PROJECTS.—A program for which a grant is provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes that—

''(A) improve energy efficiency;

''(B) enhance the industrial competitiveness of the United States; and

''(C) achieve such other goals as the Secretary determines to be appropriate.

''(6) EVALUATION.—The Secretary shall evaluate applications for grants under this subsection on the basis of—

''(A) the description of the program to be carried out with the grant;

''(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

''(C) program sustainability over a 10-year period;

''(D) the capability of the applicant;

''(E) the quantity of energy savings or energy feedstock minimization;

''(F) the advancement of the goal under this Act of 25-percent energy avoidance;

''(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

''(H) such other factors as the Secretary determines appropriate.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000,000 for each of fiscal years 2010 through 2012.''.

SEC. 3. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary of Energy shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy, including the Building Technologies Program, the Office of Electricity Delivery and Energy Reliability, and programs of the Office of Science—

(1) to leverage the research and development expertise of those programs to promote early stage energy efficiency technology development; and

(2) to apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

SEC. 4. ENERGY EFFICIENT TECHNOLOGIES ASSESSMENT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall commence an assessment of commercially available, cost competitive energy efficiency technologies that are not widely implemented within the United States for the energy intensive industries of—

(1) steel;

(2) aluminum;

(3) forest and paper products;

(4) food processing;

(5) metal casting;

(6) glass;

(7) chemicals; and

(8) other industries that (as determined by the Secretary)—

(A) use large quantities of energy;

(B) emit large quantities of greenhouse gas; or

(C) use a rapidly increasing quantity of energy.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a report, based on the assessment conducted under subsection (a), that contains—

(1) a detailed inventory describing the cost, energy, and greenhouse gas emission savings of each technology described in subsection (a);

(2) for each technology, the total cost, energy, and greenhouse gas emissions savings if the technology is implemented throughout the industry of the United States;

(3) for each industry, an assessment of total possible cost, energy, and greenhouse gas emissions savings possible if state-of-the art, cost-competitive, commercial energy efficiency technologies were adopted; and

(4) for each industry, a comparison to the European Union, Japan, and other appropriate countries of energy efficiency technology adoption rates, as determined by the Secretary.

SEC. 5. FUTURE OF INDUSTRY PROGRAM.

(a) IN GENERAL.—Section 452(c)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(c)(2)) is amended by striking the section heading and inserting the following: ''future of industry program''.

(b) INDUSTRY-SPECIFIC ROAD MAPS.—Section 452(c)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(c)(2)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

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

''(F) research to establish (through the Industrial Technologies Program and in collaboration with energy-intensive industries) a road map process under which—

''(i) industry-specific studies are conducted to determine the intensity of energy use, greenhouse gas emissions, and waste and operating costs, by process and subprocess;

''(ii) near-, mid-, and long-term targets of opportunity are established for synergistic improvements in efficiency, sustainability, and resilience; and

''(iii) public/private actionable plans are created to achieve roadmap goals; and''.

(c) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

(1) IN GENERAL.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

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

''(1) IN GENERAL.—The Secretary'';

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: '', including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, industrial and manufacturing processes, and other purposes''; and

(D) by adding at the end the following:

''(2) CENTERS OF EXCELLENCE.—

''(A) IN GENERAL.—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

''(B) DUTIES.—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

''(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than $500,000 for fiscal year 2010 and each fiscal year thereafter, as determined by the Secretary.

''(3) EXPANSION OF CENTERS.—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1).

''(4) COORDINATION.—

''(A) IN GENERAL.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

''(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Science and Technology;

''(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

''(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

''(iv) identify opportunities for reducing greenhouse gas emissions; and

''(v) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

''(5) OUTREACH.—The Secretary shall provide funding for—

''(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

''(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

''(i) Federal and State efforts;

''(ii) the efforts of utilities; and

''(iii) the efforts of other centers in the region of the center of excellence.

''(6) WORKFORCE TRAINING.—

''(A) IN GENERAL.—The Secretary shall pay the Federal share of associated internship programs under which students work with industries and manufactures to implement the recommendations of industrial research and assessment centers.

''(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

''(C) FUNDING.—Subject to the availability of appropriations of appropriations, of the funds made available under subsection (f), the Secretary shall use to carry out this paragraph not less than $5,000,000 for fiscal year 2010 and each fiscal year thereafter.

''(7) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) for loans to implement recommendations of industrial research and assessment centers established under paragraph (1).''.

(d) FUTURE OF INDUSTRY PROGRAM.—Section 452(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''$196,000,000'' and inserting ''$216,000,000'';

(B) in subparagraph (D), by striking ''$202,000,000'' and inserting ''$232,000,000''; and

(C) in subparagraph (E), by striking ''$208,000,000'' and inserting ''$248,000,000''; and

(2) by adding at the end the following:

''(4) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—Of the amounts made available under paragraph (1), the Secretary shall use to provide funding to industrial research and assessment centers under subsection (e) not less than—

''(A) $20,000,000 for fiscal year 2010;

''(B) $30,000,000 for fiscal year 2011; and

''(C) $40,000,000 for fiscal year 2012 and each fiscal year thereafter.''.

SEC. 6. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

''SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

''(a) IN GENERAL.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary shall conduct onsite technical reviews and followup implementation—

''(1) to maximize the energy efficiency of systems;

''(2) to identify and reduce harmful emissions and hazardous waste;

''(3) to identify and reduce the use of water in manufacturing processes;

''(4) to identify material substitutes that are not harmful to the environment; and

''(5) to achieve such other goals as the Secretary determines to be appropriate.

''(b) COORDINATION.—The Secretary shall carry out the initiative in coordination with—

''(1) the Manufacturing Extension Partnership Program of the National Institute of Standards and Technology; and

''(2) the Administrator of the Environmental Protection Agency.

''(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to conduct research and development of new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of systems, reduce pollution, and conserve natural resources.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

''Sec. 376. Sustainable manufacturing initiative.''.

SEC. 7. INNOVATION IN INDUSTRY GRANTS.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following:

''(g) INNOVATION IN INDUSTRY GRANTS.—

''(1) IN GENERAL.—As part of the program under this section, the Secretary shall carry out a program to pay the Federal share of competitively awarding grants to State-industry partnerships in accordance with this subsection to develop, demonstrate, and commercialize new technologies or processes for industries that significantly—

''(A) reduce energy use and energy intensive feedstocks;

''(B) reduce pollution and greenhouse gas emissions;

''(C) reduce industrial waste; and

''(D) improve domestic industrial cost competitiveness.

''(2) ADMINISTRATION.—

''(A) APPLICATIONS.—A State-industry partnership seeking a grant under this subsection shall submit to the Secretary an application for a grant to carry out a project to demonstrate an innovative energy efficiency technology or process described in paragraph (1).

''(B) COST SHARING.—To be eligible to receive a grant under this subsection, a State-industry partnership shall agree to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out the project.

''(C) GRANT.—The Secretary shall provide to a State-industry partnership selected under this subsection a 1-time grant of not more than $500,000 to initiate the project.

''(3) ELIGIBLE PROJECTS.—A project for which a grant is received under this subsection shall be designed to demonstrate successful—

''(A) industrial applications of energy efficient technologies or processes that reduce costs to industry and prevent pollution and greenhouse gas releases; or

''(B) energy efficiency improvements in material inputs, processes, or waste streams to enhance the industrial competitiveness of the United States.

''(4) EVALUATION.—The Secretary shall evaluate applications for grants under this subsection on the basis of—

''(A) the description of the concept;

''(B) cost-efficiency;

''(C) the capability of the applicant;

''(D) the quantity of energy savings;

''(E) the commercialization or marketing plan; and

''(F) such other factors as the Secretary determines to be appropriate.''.

SEC. 8. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on the leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) REPORT.—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

SEC. 9. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.

The Secretary of Energy shall establish an advisory steering committee to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

By Mr. CONRAD (for himself, Ms. COLLINS, Mr. WYDEN, Mr. SCHUMER, Mr. KERRY, Ms. KLOBUCHAR, and Mrs. BOXER):

S. 662. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Midwifery Care Access and Reimbursement Equity, M–CARE, Act of 2009 with my colleague, Senator COLLINS. For too many years, certified nurse midwives, CNMs, have not received adequate reimbursement under the Medicare program. Our legislation takes steps to improve reimbursement and ensure access to these important providers.

There are approximately three million disabled women of child-bearing age on Medicare, and since 1988, midwives have been providing high-quality, low cost maternity services to these women. However, given outdated payment policies, CNMs are only reimbursed at 65 percent of the physician fee schedule. This makes it impossible to make a practice sustainable and is threatening access to CNMs across the country.

The Medicare Payment Advisory Commission, MedPAC, agrees. In a 2002 report, MedPAC recommended that CNMs' reimbursement be increased and acknowledged that the care provided by these individuals is comparable to similar providers.

That is why we are introducing legislation that would provide payment equity for CNMs by reimbursing them at 100 percent of the physician fee schedule. CNMs provide the same care as physicians; therefore, it is only fair to reimburse CNMs at the same level. In fact, a majority of the states reimburse CNMs at 100 percent of the physician fee schedule for out-of-hospital services provided to Medicaid beneficiaries. The time has come to extend this policy to Medicare.

In addition, the M–CARE Act would establish recognition for a certified midwife to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CMs as eligible providers. Our bill would change this.

A variety of national organizations have expressed their support for this legislation in the past. I am pleased to say that the National Rural Health Association, the National Perinatal Association, the American College of Obstetricians and Gynecologists, along with several nursing organizations, have endorsed this legislation.

This bill will enhance access to ''well woman'' care for thousands of women in underserved communities. I urge my colleagues to support this legislation and end this inequity once and for all.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 79—HONORING THE LIFE OF PAUL M. WEYRICH AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HIS PASSING

Mr. INHOFE (for himself, Mr. KYL, Mr. DEMINT, Mr. COBURN, Mr. CORNYN, Mr. MARTINEZ, Mr. RISCH, Mr. HATCH, Mr. ENZI, and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 79

Whereas Paul M. Weyrich was born and raised in Racine, Wisconsin and became enamored with the political system as a student at the University of Wisconsin-Madison;

Whereas after a short stint as a news reporter, Mr. Weyrich came to Congress in 1966 to serve on the staffs of Senators Gordon L. Allott of Colorado and Carl T. Curtis of Nebraska, handling press relations and other assignments;

Whereas as the original President of the Heritage Foundation, Mr. Weyrich established a respectable and reasoned conservative voice in public policy and political debates in the United States;

Whereas as a pioneer of the modern conservative movement, Mr. Weyrich stood as a vocal defender of economic and religious freedom and established the Free Congress Research and Education Foundation to rally conservatives to the defense of traditional Judeo-Christian values;

Whereas Mr. Weyrich died on December 18, 2008;

Whereas Mr. Weyrich was a true visionary in outreach efforts, launching a television network, training grassroots activists, and influencing both politics and policy; and

Whereas Mr. Weyrich's perseverance in the promotion of his philosophy inspired thousands of people of the United States to dedicate themselves to causes that protect liberty and secure the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses gratitude to Paul M. Weyrich for his significant contributions to the conservative movement and for promoting a capitalist, democratic vision for the world;

(2) expresses profound sorrow at the death of Mr. Weyrich; and

(3) conveys its condolences to the family, friends, and colleagues of Mr. Weyrich.

SENATE RESOLUTION 80—DESIGNATING THE WEEK BEGINNING MARCH 15, 2009, AS ''NATIONAL SAFE PLACE WEEK''

Mrs. FEINSTEIN (for herself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 80

Whereas the young people of the United States will bear the bright torch of democracy in the future;

Whereas young people need a safe haven from negative influences, such as child abuse, substance abuse, and crime;

Whereas young people need resources that are readily available to assist them when they are faced with circumstances that compromise their safety;

Whereas the United States needs more community volunteers to act as positive influences on the young people of the United States;

Whereas the Safe Place program is committed to protecting the young people of the United States, the most valuable asset of the Nation, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relating to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk young people;

Whereas more than 1,400 communities in 37 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 young people have gone to Safe Place locations to get help when faced with crisis situations and have received counseling by phone as a result of Safe Place information the young people received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter abuse or neglect and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the young people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 15, 2009, as ''National Safe Place Week''; and

(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer for, the Safe Place program; and

(B) observe the week with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 11—CONDEMNING ALL FORMS OF ANTI-SEMITISM AND REAFFIRMING THE SUPPORT OF CONGRESS FOR THE MANDATE OF THE SPECIAL ENVOY TO MONITOR AND COMBAT ANTI-SEMITISM, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. CARDIN, Ms. SNOWE, Mr. RISCH, Ms. MIKULSKI, Mr. ISAKSON, Mr. CHAMBLISS, Mr. BINGAMAN, Mr. SCHUMER, Mr. SANDERS, Mr. BAYH, Mr. BENNETT, Mr. CASEY, Ms. LANDRIEU, Mr. KYL, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. SHELBY, Mrs. MURRAY, Mr. BARRASSO, Ms. MURKOWSKI, Mr. ROBERTS, Mr. BROWN, Mr. SPECTER, Mr. NELSON of Nebraska, Mr. MENENDEZ, Ms. CANTWELL, Mr. ALEXANDER, Mr. WICKER, Mr. THUNE, Mr. VOINOVICH, Mr. HATCH, Mr. DORGAN, Mr. NELSON of Florida, Mr. KERRY, Mr. MCCONNELL, Mr. DURBIN, Mr. WHITEHOUSE, Mr. CORKER, and Mr. BURR) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 11

Whereas the United States Government has consistently supported efforts to address the rise in anti-Semitism through its bilateral relationships and through engagement in international organizations such as the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and the Organization of American States;

Whereas, in 2004, Congress passed the Global Anti-Semitism Review Act (Public Law 108–332), which established an Office to Monitor and Combat Anti-Semitism, headed by a Special Envoy to Monitor and Combat Anti-Semitism;

Whereas the Department of State, the Office for Democratic Institutions and Human Rights of the OSCE, and others have reported that periods of Arab-Israeli tension have sparked an increase in attacks against Jewish communities around the world and comparisons of policies of the Government of Israel to those of the Nazis and that, despite growing efforts by governments to promote Holocaust remembrance, the Holocaust is frequently invoked as part of anti-Semitic harassment to threaten and offend Jews;

Whereas, since the commencement of Israel's military operation in Gaza on December 27, 2008, a substantial increase in anti-Semitic violence, including physical and verbal attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorial sites, has been reported;

Whereas, among many other examples of the dramatic rise of anti-Semitism around the world, over 220 anti-Semitic incidents have been reported to the Community Security Trust in London since December 27, 2008, approximately eight times the number recorded during the same period last year, and the main Jewish association in France, Counsel Representatif des Institutions Juives de France, recorded more than 100 attacks in January, including car bombs launched at synagogues, a difference from 20 to 25 a month for the previous year;

Whereas, interspersed with expressions of legitimate criticism of Israeli policy and actions, anti-Semitic imagery and comparisons of Jews and Israel to Nazis have been widespread at demonstrations in the United States, Europe, and Latin America against Israel's actions, and placards held at many demonstrations across the globe have compared Israeli leaders to Nazis, accused Israel of carrying out a ''Holocaust'' against Palestinians, and equated the Jewish Star of David with the Nazi swastika;

Whereas, in some countries, demonstrations have included chants of ''death to Israel,'' expressions of support for suicide terrorism against Israeli or Jewish civilians, and have been followed by violence and vandalism against synagogues and Jewish institutions;

Whereas some government leaders have exemplified courage and resolve against this trend, including President Nicolas Sarkozy of France, who said he ''utterly condemned the unacceptable violence, under the pretext of this conflict, against individuals, private property, and religious buildings,'' and assured ''that these acts would not go unpunished,'' Justice Minister of the Netherlands Ernst Hirsch Ballin, who announced on January 14, 2009, that he would investigate allegations of anti-Semitism and incitement to hatred and violence at anti-Israel demonstrations, and parliamentarians who have voiced concern, such as the British Parliament's All-Party Group Against Anti-Semitism, which expressed its ''horror as a wave of anti-Semitic incidents has affected the Jewish community'';

Whereas, despite these actions, too few government leaders in Europe, the Middle