

ill-considered plan to close Guantanamo and recognize the obvious—that a \$200 million dollar facility that is already operational and in compliance with international treaties should not be shuttered and closed.

Mr. President, I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1137

Mr. INOUE. Madam President, I ask unanimous consent that the pending amendment be set aside and that the Senate return to the consideration of amendment No. 1137. This technical amendment has been cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1137) was agreed to.

Mr. INOUE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, tomorrow, May 20, after any statements of the leaders, the Senate resume consideration of H.R. 2346 and Inouye amendment No. 1133; that there be 2 hours of debate equally divided and controlled between the leaders on that amendment or their designees, with the time allocated as follows: The first 30 minutes under the control of the Republican leader, the second 30 minutes under the control of the majority leader, and the final 60 minutes divided equally, with 10-minute limitations, with the final 5 minutes of time under the control of Senator INOUE; that upon the use of this time, the Senate proceed to vote on the Inouye amendment with no amendment in order to the amendment.

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

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2346, the Supplemental Appropriations Act of 2009.

Harry Reid, Christopher J. Dodd, Charles E. Schumer, Mark Begich, Mark L. Pryor, Richard Durbin, Patty Murray, Tom Harkin, Edward E. Kaufman, Claire McCaskill, Michael F. Bennet, Mark Udall, Jeanne Shaheen, Carl Levin, Jack Reed, Sheldon Whitehouse, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum also be waived.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

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

CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is \$90.745 billion, and for 2010, it is \$130 billion.

On May 14, 2009, the Senate Appropriations Committee reported S. 1054, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. The reported bill will be offered as a complete substitute to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

I find that the amendment in the nature of a substitute to H.R. 2346 fulfills the conditions of section 401(c)(4). As a result, for fiscal years 2009 and 2010, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays. For 2009, the total amount of the adjustment is \$88.290 billion in discretionary budget authority and \$26.353 billion in outlays. For 2010, the total amount of the adjustment is \$5 billion in discretionary budget authority and \$34.753 billion in outlays. I am also adjusting the aggregates consistent with section 401(c)(4) of S. Con. Res. 13 to reconcile the Congressional Budget Office's score of S. 1054 with the amounts that were assumed in section 104(21) of S. Con. Res. 13 for the 2009 supplemental appropriation bill.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.571
FY 2010	1,653.682
FY 2011	1,929.625
FY 2012	2,129.601
FY 2013	2,291.120
FY 2014	2,495.781
(1)(B) Change in Federal Revenues:	
FY 2009	0.000
FY 2010	-12.304
FY 2011	-159.006
FY 2012	-230.792
FY 2013	-224.217
FY 2014	-137.877
(2) New Budget Authority:	
FY 2009	3,673.472
FY 2010	2,888.696
FY 2011	2,844.910
FY 2012	2,848.117
FY 2013	3,012.193
FY 2014	3,188.847
(3) Budget Outlays:	
FY 2009	3,358.476
FY 2010	3,002.654
FY 2011	2,968.219
FY 2012	2,882.741
FY 2013	3,019.399
FY 2014	3,174.834

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Initial allocation limit	Adjustment	Revised allocation limit
FY 2009 Discretionary Budget Authority	1,391,471	88,290	1,479,761
FY 2009 Discretionary Outlays	1,220,843	26,353	1,247,196
FY 2010 Discretionary Budget Authority	1,082,250	5	1,082,255
FY 2010 Discretionary Outlays	1,269,471	34,753	1,304,224

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is \$90.745 billion, and for 2010, it is \$130 billion.

I have already made on adjustment pursuant to section 401(c)(4) for the bill reported by the Senate Committee on Appropriations making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. The reported legislation was offered as a complete substitute to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

I now file further changes to S. Con. Res. 13 pursuant to section 401(c)(4) for an amendment offered under the authority of the Senate Committee on Appropriations. I find this amendment satisfies the conditions of section 401(c)(4). As a result, for fiscal years 2009 and 2010, I am further revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays. For 2009, the total amount of the adjustment is \$925 million in discretionary budget authority and \$34 million in outlays. For 2010, the total amount of the adjustment is \$661 million in outlays. With the further adjustment in budget authority in 2009, the Senate will have used \$89.215 billion of the \$90.745 billion permitted in adjustments under section 401(c)(4). Finally, I am also further adjusting the aggregates consistent with section 401(c)(4) of S. Con. Res. 13 and to reflect the changes made by this amendment.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

(In billions of dollars)

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.571
FY 2010	1,653.682
FY 2011	1,929.625
FY 2012	2,129.601
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FY 2014	2,495.781
(1)(B) Change in Federal Revenues:	
FY 2009	0.000
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(2) New Budget Authority:	
FY 2009	3,674.397
FY 2010	2,888.696
FY 2011	2,844.910
FY 2012	2,848.117
FY 2013	3,012.193
FY 2014	3,188.847
(3) Budget Outlays:	
FY 2009	3,358.510
FY 2010	3,003.315
FY 2011	2,968.400
FY 2012	2,882.775
FY 2013	3,019.404
FY 2014	3,174.836

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

(In millions of dollars)

	Initial allocation/limit	Adjustment	Revised allocation/limit
FY 2009 Discretionary Budget			
Authority	1,479,761	925	1,480,686
FY 2009 Discretionary Outlays	1,247,196	34	1,247,230
FY 2010 Discretionary Budget			
Authority	1,082,255	0	1,082,255
FY 2010 Discretionary Outlays	1,304,224	661	1,304,885

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CONFIRMATION OF MARGARET HAMBURG

• Mr. KENNEDY. Mr. President, I commend my Senate colleagues for confirming the President's nominee for FDA Commissioner, Dr. Margaret Hamburg. Strong, new leadership is needed to improve the operations and morale of the agency and make the FDA again the world class agency that Americans trust to protect the health of their families.

Dr. Hamburg's expertise in community health, biodefense, and nuclear, biological, and chemical preparedness is well-known and highly respected, and her experience makes her eminently well-qualified to lead the FDA at this difficult time.

As a student and researcher, Dr. Hamburg learned first hand about many of the issues which confront the FDA. Later, at the Office of Disease Prevention and Health Promotion, as assistant director of the National Institute of Allergy and Infectious Diseases at NIH, and as the commissioner of the New York City Department of Health and Mental Hygiene, she proved herself to be a brilliant scientist and leader. Her skills were particularly impressive on tuberculosis, which was the leading infectious killer of youths and adults in the city in the 1990s and had become resistant to standard drugs. Within 5 years, the TB rate in New York City fell by 46 percent overall, and 86 percent for the most drug-resistant strains.

Dr. Hamburg's impressive experience was further enhanced by her service as President Clinton's Assistant Secretary for Policy and Evaluation at HHS, as a member of the Institute of Medicine, and as vice president for Biological Programs at the Nuclear Threat Initiative.

Dr. Hamburg will face many challenges as FDA Commissioner but she is obviously well-prepared to deal with them. She has impressive experience in both clinical practice and research, and her background makes her ideal to lead the FDA as it combats food-borne illnesses, works with other agencies to combat disease outbreaks, and protects

our food, drugs, and medical devices. Her confirmation marks the beginning of a welcome new era at FDA, and I look forward very much to working with her. •

Mr. ENZI. Mr. President, I rise today to congratulate Dr. Margaret Hamburg on her confirmation last night by the Senate to be commissioner of the Food and Drug Administration. I wish to also thank Dr. Hamburg for her previous public service and her willingness to once again go through the process of Senate confirmation. The vetting process for executive nominees is thorough and not without some degree of personal and professional sacrifice. I thank Dr. Hamburg for her willingness to serve.

Dr. Hamburg is an internationally recognized leader in public health and medicine, and an authority on global health, public health systems, infectious disease, bioterrorism and emergency preparedness. This background is especially important given that the swine flu—H1N1 influenza—has been on the front pages for several weeks and spread across the globe during that time. Dr. Hamburg has a tremendous amount of experience with emergency preparedness.

The FDA has a very broad and critical mission in protecting the public health. Dr. Hamburg is in charge of an agency that regulates \$1 trillion worth of products a year. The FDA ensures the safety and effectiveness of all drugs, biological products such as vaccines, medical devices, and animal drugs and feed. It also oversees the safety of a vast variety of food products as well as medical and consumer products, including cosmetics.

As commissioner of the FDA, Dr. Hamburg is responsible for advancing the public health by helping to speed innovations in its mission areas, and by helping the public get accurate, science-based information on medicines and foods.

Another core mission of FDA is approving drugs and ensuring their safety. However, the FDA can not ensure the safety of deadly products such as tobacco—it kills people, not cures them. Yet this week the HELP Committee, of which I am the ranking member, is set to consider legislation that would require the FDA to regulate tobacco. At a time when federal dollars are stretched and resources are limited, I have serious concerns about adding more statutory responsibilities at FDA. In addition, given the recalls of spinach, peanuts, peppers, and tomatoes over the past two years, FDA's resources are already stretched too thin on the food safety front.

I represent a State that has substantial agricultural interests. Food safety and food labeling are critically important to me and my constituents. I am hopeful that Dr. Hamburg and I can work together on protecting the American food supply.