

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

AMENDMENT NO. 1256 TO AMENDMENT NO. 1247
(Purpose: To modify provisions relating to Federal employees retirement)

Mr. SCHUMER. Mr. President, under the previous order, on behalf of Senator LIEBERMAN, I call up his amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for Mr. LIEBERMAN, for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH, proposes an amendment numbered 1256 to amendment No. 1247.

(The amendment is printed in today's RECORD under "Text of Amendments.")

MORNING BUSINESS

Mr. SCHUMER. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

COMMENDING NONCOMMISSIONED OFFICERS

Mr. REID. Mr. President, I rise today in recognition of the Army's 234th anniversary. On June 14, 2009, the Army celebrates its 234th year of courageous and noble service to the people of the United States of America.

The Army has designated 2009 as "The Year of the Noncommissioned Officer," in recognition of the dedicated and selfless service of noncommissioned officers, known as the "Backbone of the Army," throughout the Nation's history. Our country nation owes a debt of gratitude to those noncommissioned officers who have defended our country and freedom worldwide, serving in harm's way across the globe to defend freedom and secure the peace for the American people. It is fitting that we should pay special tribute to the Army's noncommissioned officer corps on the 234th anniversary of the Army's establishment in 1775.

At Fort Lewis, WA, home of the I Corps, known as "America's Corps," noncommissioned officers are observing the Army's birthday while preparing for deployment into harm's way, training for future service to the Nation, and upholding the high standards of our armed services.

It is my desire to thank and honor those courageous, dedicated and selfless men and women. I am grateful for the Army's outstanding corps of noncommissioned officers at Fort Lewis, WA, under the direction of COL Cynthia Murphy, Garrison Commander, and Command Sergeant MAJ Matthew Barnes, for their role in defending our Nation and serving its people as the keepers of the Army's high standards, the trainers and maintainers who make

our Army the greatest force for good across the globe, and the heart and soul of our fighting forces at home and abroad. They are truly the "Backbone of the Army."

150TH ANNIVERSARY OF VIRGINIA CITY, NV

Mr. REID. Mr. President, I rise today in honor of a very historic event—this Saturday marks the 150th anniversary of the founding of Virginia City, NV. Many Americans know Virginia City from the old TV show "Bonanza," but this city also played an extremely important role in the history of the United States in the second half of the 19th century.

Virginia City's roots as a mining town began in 1850 as the '49ers traveled through on their way to California. Men often stopped in this area to practice their gold-mining skills but never found much of value until 1859 when Peter O'Riley and Patrick McLaughlin found some gold in the dirt. Henry Comstock passed by shortly after and talked his way into a share of what would later be named after him: the Comstock Lode. For several months, they mined the earth, tossing aside buckets full of "blue stuff" that got in the way of only a small amount of gold. Out of curiosity, they sent away a sample of this blue stuff to be tested, and it turned out to be made up of three-fourths silver ore. News spread quickly, and by the following spring, 10,000 men had arrived hoping to make their fortune.

This silver lode proved more difficult to mine than the gold in California, and mines collapsed before they could reach much of the ore. American ingenuity persevered, however, and a whole list of new technologies were developed that would be used in mines across the country. In no time, the ground below Virginia City was crisscrossed with mines, and the city itself was a boom town full of boarding houses and saloons. The official value of all the gold and silver taken out of the Comstock between 1859 and 1882 is over \$300 million. These riches helped Nevada in its effort to become an independent territory and then its own State in 1864.

Virginia City also produced some of America's great historical figures. George Hearst made his fortune in Nevada before founding the newspaper empire he became famous for, and Samuel Clemens first used the name "Mark Twain" while writing for the local paper, the Territorial Enterprise.

Today, Virginia City has a population of less than a tenth of what it had at its peak in the 1870s. However, it remains a vibrant community and an outstanding monument to the Wild West. The millions of tourists who visit Virginia City each year can stroll the wooden sidewalks, explore old mines, pan for gold, and watch the annual international camel and ostrich races. I am happy I will be able to celebrate this historic anniversary in Virginia

City, and I am proud to recognize the city's achievements today.

CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 311(a) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, the aggregates, and other appropriate levels in the resolution for legislation that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the regulatory activities. Additionally, section 307 of S. Con. Res. 13 permits the chairman to adjust the allocations of a committee or committees, aggregates, and other appropriate levels in the resolution for legislation that, among other things, reduces or eliminates the offset between the survivor benefit plan annuities and veterans' dependency and indemnity compensation. The adjustments under both reserve funds are contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

I find that the amendment in the nature of a complete substitute to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, contains language that fulfills the conditions of the deficit-neutral reserve funds for the Food and Drug Administration and America's veterans and wounded servicemembers. Therefore, pursuant to sections 311(a) and 307, I am adjusting the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Health, Education, Labor, and Pensions Committee.

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 311 DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION AND SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS

[In billions of dollars]

<i>Section 101</i>	
(1)(A) Federal Revenues:	
FY 2009	1,532.571
FY 2010	1,653.722
FY 2011	1,929.684
FY 2012	2,129.674
FY 2013	2,291.204
FY 2014	2,495.884
(1)(B) Change in Federal Revenues:	
FY 2009	0.000
FY 2010	-12.264
FY 2011	-158.947
FY 2012	-230.719
FY 2013	-224.133
FY 2014	-137.774

Section 101

(2) New Budget Authority:	
FY 2009	3,674.397
FY 2010	2,888.696
FY 2011	2,844.909
FY 2012	2,848.114
FY 2013	3,012.188
FY 2014	3,188.874
(3) Budget Outlays: FY2009	
FY 2009	3,358.510
FY 2010	3,003.315
FY 2011	2,968.399
FY 2012	2,882.772
FY 2013	3,019.399
FY 2014	3,174.863

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311 DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION AND SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS

[In millions of dollars]

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	-22,436
FY 2009 Outlays	-19,058
FY 2010 Budget Authority	4,487
FY 2010 Outlays	1,526
FY 2010-2014 Budget Authority	50,349
FY 2010-2014 Outlays	44,474
Adjustments:	
FY 2009 Budget Authority	0
FY 2009 Outlays	0
FY 2010 Budget Authority	0
FY 2010 Outlays	0
FY 2010-2014 Budget Authority	17
FY 2010-2014 Outlays	17
Revised Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	-22,436
FY 2009 Outlays	-19,058
FY 2010 Budget Authority	4,487
FY 2010 Outlays	1,526
FY 2010-2014 Budget Authority	50,366
FY 2010-2014 Outlays	44,491

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(5) 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, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 for the aggregate difference for discretionary appropriations in 2010 and related outlays between the Congressional Budget Office's reestimate of the President's budget and the Office of Management and Budget's original estimate of such policies.

On May 29, the Congressional Budget Office released its reestimate of the

President's request for discretionary appropriations. Based on that reestimate, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays. As specified by section 401(c)(5), the adjustment reflects the aggregate difference in budget authority in 2010 between the CBO reestimate and the original OMB estimate of the President's request for discretionary spending, as well as the related outlays. For 2010, I am revising the amount of budget authority by \$3.766 billion and the amount of outlays by \$2.355 billion. In addition, I am similarly adjusting the budgetary aggregates consistent with section 401(c)(5) of S. Con. Res. 13. In addition to the 2010 adjustments in budget authority and outlays, I am adjusting outlays in fiscal years 2011 through 2014 to reflect further changes in outlays that result from the adjustment in budget authority in 2010.

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)(5)—REVISED APPROPRIATIONS FOR FISCAL YEAR 2010

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.571
FY 2010	1,653.722
FY 2011	1,929.684
FY 2012	2,129.674
FY 2013	2,291.204
FY 2014	2,495.884
(1)(B) Change in Federal Revenues:	
FY 2009	0.000
FY 2010	-12.264
FY 2011	-158.947
FY 2012	-230.719
FY 2013	-224.133
FY 2014	-137.774
(2) New Budget Authority:	
FY 2009	3,674.397
FY 2010	2,892.462
FY 2011	2,844.909
FY 2012	2,848.114
FY 2013	3,012.188
FY 2014	3,188.874
(3) Budget Outlays:	
FY 2009	3,358.510
FY 2010	3,005.670
FY 2011	2,969.115
FY 2012	2,883.130
FY 2013	3,019.578
FY 2014	3,174.976

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(5) 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	1,480,686	0	1,480,686

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(5) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS—Continued

In millions of dollars	Initial allocation limit	Adjustment	Revised allocation limit
FY 2009 Discretionary Outlays	1,247,230	0	1,247,230
FY 2010 Discretionary Budget Authority	1,082,255	3,766	1,086,021
FY 2010 Discretionary Outlays	1,304,885	2,355	1,307,240

CLEAN WATER RESTORATION ACT

Mr. BARRASSO. Mr. President, we all know that one word can make a world of a difference, especially in Washington. Some are advocating for the removal of the word "navigable" from the Clean Water Restoration Act. Doing so would give the government control over all wet areas in the country. In this case, one word will send common sense soaring out the window.

It snows in Wyoming. When the snow melts, it often leaves large puddles on ranches and farms across the State.

The Federal Government should not be regulating mud puddles.

This proposal will be detrimental to Wyoming's farmers and ranchers. We have been living out here for a long time quite successfully without the "helpful hand" of Washington.

A recent article printed in the June edition of the Wyoming Farm Bureau Federation's newspaper, "Wyoming Agriculture" really hit home. I recommend my colleagues read the article by Kerin Clark. I believe it is an accurate reflection of the feelings of Wyoming farmers and ranchers on this issue. I ask unanimous consent that it be printed in the RECORD.

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

What's in one word? Deletion of "navigable" from CWA would have far-reaching consequences

Federal control of a ditch or grass waterway that is only filled with water after a rainstorm. Sound outlandish? Not, if the term "navigable" is deleted from the Clean Water Act and that is just what proponents of the Clean Water Restoration Act (CWRA) are pushing to do.

"This proposal, if passed, would clearly define intrastate waters as waters of the United States and give control to areas that only have water during rainfall events," Don Parrish, American Farm Bureau Federation (AFBF) Senior Director, Regulatory Relations, stated. "It is clearly the largest expansion of the Clean Water Act since it was passed in 1972."

The deletion of the term "navigable" from the Clean Water Act could have grave consequences for Wyoming water.

"Under both proposals the sponsors make it explicit they intend to roll-back the Supreme Court decision in SWANCC which gives the opportunity for agencies to regulate intrastate water," Parrish continued.

"Both bills also intend to roll-back the Supreme Court decision in Rapanos," He explained. "This was about ephemerals a loosely defined set of waters, what the Corp of Engineers and EPA define as only having water