

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

in them during and after a precipitation event.”

“What is water and what is a ditch is hard to ascertain,” He continued. “It is extremely broad and goes beyond what the Supreme Court has allowed.”

According to Parrish, the implications of rolling back these two Supreme Court rulings are many including: 1) All intrastate waters and all water confined and retained completely on the property of a single owner would be federalized; 2) the use of all water, if linked to economic and commerce would be federalized; 3) Any areas that have flowing water only during, and for a short duration after, precipitation events would be treated as “waters of the U.S.”; 4) the agencies would be allowed to use any and all economic activity involving water, including the production of agricultural and forestry products, as the hook for federal regulatory reach; and 5) environmental activists would have the ability to sue landowners or the agencies to expand Federal jurisdiction.

The proposals would allow the Corp of Engineers and the Environmental Protection Agency to use the broadest possible regulatory reach of federal waters. “It probably even reaches the preverbal western water hole” Parrish stated. “If cattle drink from the water hole and then rancher sell those cattle out-of-state to be finished and that could be an economic hook for federal regulation of that water.”

In a May 2009 Field and Stream article, passage of the Clean Water Restoration Act is listed as one of the five crucial goals sportsmen must work toward right now. “Sportsmen need to understand what the implications are for landowning and not just shooting ducks,” Parrish continued. “Farmers and ranchers have to make a living working the land and this legislation will make it harder to do that. Thus, keeping the land in open spaces and providing habitat for wildlife and birds would be even harder.”

The American Farm Bureau Federation opposes the Clean Water Restoration Act because it is an expansion of federal jurisdiction.

“Farmers and ranchers do good things for the environment, we support the Clean Water Act,” Parrish concluded. “But removing the term “navigable” from the CWA gives total control to the federal government and leaves little or no authority for the states and owners of private property.”

HONORING OUR ARMED FORCES

SENIOR AIRMAN ASHTON L.M. GOODMAN

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SA Ashton L. M. Goodman, from Indianapolis, IN. Ashton was 21 years old when she lost her life on May 26, 2009, from injuries sustained from a bomb attack near Bagram Air Field, Afghanistan. She was a member of the 43rd Logistics Readiness Squadron, Pope Air Force Base, NC.

Today, I join Ashton’s family and friends in mourning her death. Ashton will forever be remembered as a loving daughter, sister, and friend to many. She is survived by her mother, Vicki Goodman; father and stepmother, Mark and Chasity Goodman; brother, Levi Goodman; grandmother, Lois Kammers; aunt, Yvonne Chapman; stepsisters, Amber and Michelle Jefferies; half-sisters, Brianna and Courtney Goodman; and a host of other friends and relatives.

Ashton joined the Air Force in 2006, following her graduation from Indianapolis’s Warren Central High School. She served as a driver for the Air Force in Afghanistan, working with the Panshir Provincial Reconstruction Team, a unit that rebuilds roads and schools in Afghanistan. Ashton, who loved animals, was training to be a biologist. In high school, she worked at a local pet store and was active in the Zoo Teen Club, a student group that volunteers at the Indianapolis Zoo. She was also a member of the Japan Club.

While we struggle to express our sorrow over this loss, we can take pride in the example Ashton set as a soldier. Today and always, she will be remembered by family and friends as a true American hero, and we cherish the legacy of her service and her life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln’s words as he addressed the families of soldiers who died at Gettysburg: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.” This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Ashton’s heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Ashton L. M. Goodman in the official Record of the U.S. Senate for her service to this country and for her profound commitment to freedom, democracy, and peace. I pray that Ashton’s family can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Ashton.

NOMINATION OF REGINA MCCARTHY

Mr. LAUTENBERG. Mr. President, I rise today to speak in support of Regina McCarthy, President Obama’s nominee to be Assistant Administrator of the Environmental Protection Agency for Air and Radiation. Ms. McCarthy has decades of experience administering environmental programs at the state level under both Democratic and Republican administrations. Her qualifications are unquestionable, and her confirmation will help move our country toward a safer environment and a healthier economy.

We are at a critical point in the history of our Nation and indeed our planet. New science appears seemingly every month showing the danger posed by climate change. Already this year,

new peer-reviewed studies revealed that the Arctic will likely be ice-free in the summer as early as 2012— not 2050, as predicted by the Nobel Prize-winning Intergovernmental Panel on Climate Change—IPCC—in 2007. Another peer-reviewed study in the Proceedings of the National Academy of Sciences showed that global emissions, if they continue at current rates, would increase global temperatures by 12 degrees Fahrenheit by the end of the century. This is on the extreme high end of temperature projections by the IPCC. Finally, two new studies found that ice melt from Antarctica and Greenland will likely raise sea levels by five to six feet by the end of the century, far above the two feet predicted by the IPCC, which did not consider melting from those two sources.

Regina McCarthy will be on the front lines of our Nation’s battle to stabilize the climate. The office she will manage is responsible for improving air quality and reducing the greenhouse gas emissions that cause global warming.

Congress must act quickly to place strong, science-based limits on emissions, and force polluters to pay to clean up the damage they have done to our environment and our health. We must do so in a way that creates jobs, allows businesses and individuals to save money through efficiency, and pulls the country out of this recession and into a clean energy future.

The coal and oil industries are powerful, and are spending billions of dollars fighting the science and fighting any policies that would break their stranglehold on our Nation’s energy policy. In the first 3 months of this year alone, the oil and gas industry spent \$37.3 million to lobby the Federal Government. That is money that could be going toward cleaning up their operations. Instead it goes toward impeding our progress toward a clean energy jobs bill to stop climate change.

Despite those obstacles, the House has reported legislation out of committee and we are working toward a bill in the Environment and Public Works Committee. However, as Congress works toward comprehensive legislation, our planet cannot afford to wait to begin reducing emissions. That’s why President Obama’s EPA recently found that greenhouse gases are pollutants under the Clean Air Act. This will allow the EPA to use existing authority to regulate some of the largest sources of greenhouse gases, such as power plants, refineries, and automobiles.

Just as the EPA does not use the Clean Air Act to regulate small sources of air pollution such as residential buildings, churches, or hospitals for pollutants like smog and soot, it will not regulate these sources for greenhouse gases. Our economy grew rapidly as we dramatically reduced emissions of air pollutants under the Clean Air Act, and I am certain we can use the Clean Air Act to reduce greenhouse gases while creating clean energy jobs and reviving our economy.