

Whereas, Congressman Chris Cannon and Congressman Jim Matheson joined 114 others to co-sponsor HB 1492;

Whereas, Senator Daniel Inouye introduced S1719 as a companion bill to HB 1492, along with five co-sponsors, including Senator Bob Bennett and Senator Orrin Hatch; and

Whereas, in 2007 the National Park Service declared the Topaz site to be Utah's thirteenth National Historic Landmark: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for the Topaz Museum Board's effort to preserve and protect the site of the Topaz Internment Camp, to build a museum and civil liberties learning center in Delta, Utah, and to educate all citizens about Japanese American internment history, especially Topaz, through artifacts, exhibits, and oral histories; be it further

Resolved, That a copy of this resolution be sent to the Topaz Museum Board, former Congressman Chris Cannon, Senator Daniel Inouye, and the members of Utah's Congressional Delegation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Herbert M. Allison, Jr., of Connecticut, to be an Assistant Secretary of the Treasury.

*Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Peter Silva Silva, of California, to be an Assistant Administrator of the Environmental Protection Agency.

*Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration.

*Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

By Mr. DODD for the Committee on Health, Education, Labor, and Pensions.

*Howard K. Koh, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

*Laurie I. Mikva, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

*Martha J. Kanter, of California, to be Under Secretary of Education.

*Jane Oates, of New Jersey, to be an Assistant Secretary of Labor.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHANNS (for himself, Mr. ENZI, Mr. BROWNBACK, Mr. BOND, Mr. CHAMBLISS, Mr. ROBERTS, Mr. RISCH, Mr. BARRASSO, Mr. THUNE, Mr. CORNYN, Mr. GRAHAM, Mr. McCAIN, Mr. CRAPO, Mr. INHOFE, Mr. ENSIGN, Mr. KYL, Mr. BUNNING, Mr. VITTER,

Mrs. HUTCHISON, Mr. WICKER, Mr. COBURN, Mr. HATCH, Mr. ISAKSON, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, and Mr. DEMINT):

S. 1223. A bill to require prior Congressional approval of emergency funding resulting in Government ownership of private entities; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS:

S. 1225. A bill to require the Commodity Futures Trading Commission to take certain actions to prevent the manipulation of energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself, Mr. BENNET, and Mr. SPECTER):

S. 1226. A bill to amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DeMINT (for himself, Mr. WICKER, Mr. BUNNING, and Mr. VITTER):

S. 1227. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. PRYOR):

S. 1228. A bill to amend chapter 63 of title 5, United States Code, to modify the rate of accrual of annual leave for administrative law judges, contract appeals board members, and immigration judges; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1229. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ISAKSON (for himself, Mr. LIEBERMAN, Mr. DODD, Mr. CHAMBLISS, Mr. ALEXANDER, Mr. RISCH, Mr. ENSIGN, Mr. BUNNING, Ms. MURKOWSKI, and Mr. VITTER):

S. 1230. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Finance.

By Mr. DODD:

S. 1231. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. KENNEDY, Mr. McCAIN, Ms. STABENOW, Mr. BINGAMAN, Ms. COLLINS, Mr. DURBIN, Mr. NELSON of Florida, Mr. KOHL, Mr. LEVIN, Mr. LEAHY, Mr. SANDERS, Mr. KERRY, Mr. BROWN, Mr. FEINGOLD, Mr. JOHNSON, Mr. INOUYE, Mr. TESTER, Mr. CASEY, Mrs. McCASKILL, Mr. THUNE, Mr. BEGICH, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. SPECTER, Mrs. BOXER, and Mr. VITTER):

S. 1232. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; read the first time.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1233. A bill to reauthorize and improve the SBIR and STTR programs and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 181. A resolution designating June 10, 2009, as "National Pipeline Safety Day"; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, Mrs. SHAHEEN, Mr. CARDIN, Mr. LIEBERMAN, and Mr. DEMINT):

S. Res. 182. A resolution recognizing the democratic accomplishments of the people of Albania and expressing the hope that the parliamentary elections on June 28, 2009, maintain and improve the transparency and fairness of democracy in Albania; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 244

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 292

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 486

At the request of Mr. SANDERS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 486, a bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the

Community Health Center and National Health Service Corps programs.

S. 491

At the request of Mr. WEBB, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 638

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 638, a bill to provide grants to promote financial and economic literacy.

S. 660

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 797

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 843

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 843, a bill to establish background check procedures for gun shows.

S. 860

At the request of Mr. NELSON of Nebraska, the name of the Senator from

Alaska (Mr. BEGICH) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax exclusion for assistance provided to participants in State student loan programs for certain health professionals.

S. 910

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 968

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 973

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 973, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 999, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1071

At the request of Mr. CHAMBLISS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1071, a bill to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base.

S. 1135

At the request of Ms. STABENOW, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1135, a bill to establish a voluntary program in the National Highway Traffic Safety Administration to encourage consumers to trade-in older vehicles for more fuel efficient vehicles, and for other purposes.

S. 1150

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1150, a bill to improve end-of-life care.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to

protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1196

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1196, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1219

At the request of Mr. KOHL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1219, a bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such subtitle for a 1-year period ending June 22, 2010.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. CON. RES. 11

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. CON. RES. 11, a concurrent resolution 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.

S. CON. RES. 24

At the request of Mr. CHAMBLISS, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. CON. RES. 24, a concurrent resolution to direct the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

S. RES. 65

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 65, a resolution honoring the 100th anniversary of Fort McCoy in Sparta, Wisconsin.

S. RES. 81

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 81, a resolution supporting the goals and ideals of World Water Day.

S. RES. 176

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 176, a resolution expressing the sense of the Senate on United States policy during the political transition in Zimbabwe, and for other purposes.

AMENDMENT NO. 1268

At the request of Mr. CHAMBLISS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 1268 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHANNS (for himself, Mr. ENZI, Mr. BROWNBACK, Mr. BOND, Mr. CHAMBLISS, Mr. ROBERTS, Mr. RISCH, Mr. BARRASSO, Mr. THUNE, Mr. CORNYN, Mr. GRAHAM, Mr. McCAIN, Mr. CRAPO, Mr. INHOFE, Mr. ENSIGN, Mr. KYL, Mr. BUNNING, Mr. VITTER, Mrs. HUTCHISON, Mr. WICKER, Mr. COBURN, Mr. HATCH, Mr. ISAKSON, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, and Mr. DEMINT):

S. 1223. A bill to require prior Congressional approval and emergency funding resulting in Government ownership of private entities; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHANNS. Mr. President, I rise to present a piece of legislation that I believe the Senate should consider immediately. I believe this legislation is so important that it can't wait. The legislation I introduce today is the Free Enterprise Act of 2009, and its purpose is very straightforward. The Free Enterprise Act of 2009 requires prior congressional approval of any TARP funding that results in the government taking a common or preferred equity interest in any private entity.

Since the inception of the TARP program, my colleagues from both sides of the aisle, in a very bipartisan way, have voiced concerns over the management, the oversight, and the purpose of

TARP. Yet the program continues morphing and drifting away from its original purpose: to buy toxic assets and keep credit flowing to consumers. That was the purpose of TARP when it was sold to Congress back in October. TARP was never intended—never intended—to be a revolving, \$700 billion blank check for the administration to use however it sees fit. Unfortunately, that is exactly what it has become.

First, the checks were used to bail out the banks, then to the struggling insurance giant AIG, then to the floundering housing market, and despite a December vote by Congress that rejected—specifically rejected—a bailout of the auto industry, TARP funds are now being used to bankroll the auto industry.

I am quite certain most of my colleagues would have looked at me in disbelief if I would have said a few months ago that TARP funds would essentially be used to buy a private auto company—General Motors—and then rush it through bankruptcy. Yet last Monday the Obama administration announced it would provide \$30 billion more in TARP funds to buy General Motors, owning a 60-percent interest in the company.

The bottom line is our government is now running or is very deeply involved in major industrial sectors, including housing, banking, insurance, and now automobiles. There is no longer a clear distinction between companies owned by investors and entities owned and backed by the government.

I am deeply troubled by the change in how business in America is conducted, and I am worried we are causing irreparable changes and damage to our private market system. But I am equally troubled and worried that all these ownership and management decisions are being made—literally buying a car company—without congressional input or approval.

Many may completely disagree with me and think the government should get in the auto business, that they should own a 60-percent stake in General Motors or that the government should be a 34-percent owner of Citigroup. But the one thing all my colleagues should be able to agree on is the fact that Congress needs checks and balances.

Right now, disagree or agree with me, none of us in Congress have had a voice—neither a voice in support nor a voice in opposition. We woke up, just like the citizens of America, and found out that we own 60 percent of General Motors—a decision made by President Obama literally with no oversight by Congress.

What has happened is the legislative branch has effectively given President Obama a free pass to do as he wishes with \$700 billion. But with the passage of this legislation, we can regain some type of oversight over the disbursement of TARP funds. Let's not continue to criticize the use and management of TARP funds and yet do nothing

about it. Support for this legislation is an important step in the right direction. It would ensure that Congress provides checks and balances. That is what we were elected to deliver. That is why we are here.

At the very minimum, let's at least have a vote before the government takes ownership of private companies. My bill only asks for a simple majority governed by the normal rules of the Senate. But it makes a very significant statement that Congress has not fallen asleep at the switch.

I hope my colleagues will not choose to remain silently in their seats. We must fulfill our duties to provide oversight over the executive branch. That is what our Constitution demands. I urge my colleagues, whether you support or oppose funds for private industry, to reclaim the role Congress has in this process. Doing anything less would simply be a dereliction of our duty.

When I introduced this legislation as an amendment to S. 982, it quickly got 30 cosponsors. I am very happy to report that many of these people have joined me as cosponsors, and we are nearing that number again.

I encourage all of my colleagues to support this commonsense legislation and join me as a cosponsor. We can work together to ensure that free enterprise is not relegated to the back burner in this country, and, most important, we can work together, whether you agree or disagree, to make sure Congress is not relegated to the back burner. The Free Enterprise Act is a positive step in that direction.

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

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WARNER. Mr. President, today I am introducing legislation to reauthorize the National Oceanic and Atmospheric Administration's important programs to restore the Chesapeake Bay and its aquatic resources. This measure is a companion to H.R. 1771, a bill recently introduced in the House by Representatives SARBANES, WITTMAN and KRATOVIL. Joining me in sponsoring this legislation are my colleagues Senator WEBB from Virginia and Senators MIKULSKI and CARDIN from neighboring Maryland.

Throughout my public career, I have been a strong advocate for protecting our natural resources. One of the most important efforts in Virginia's environmental history has been preservation of the Chesapeake Bay, the nation's most important estuary. I am proud that we brought record funding to efforts related to cleaning the Chesapeake Bay and the toughest regulations for water quality yet. The Commonwealth's 3,300 miles of coastal resources provide significant economic