

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009—Continued

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Passed, pending signature:			
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (HR-1777) .....	32	36	0
Supplemental Appropriations Act, 2009 (H.R. 2346) <sup>2</sup> .....	11	33,530	0
Total, passed, pending signature .....	43	33,566	0
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	728,688	706,384	0
Total Current Level <sup>2,3</sup> .....	1,676,231	2,283,233	1,666,032
Total Budget Resolution <sup>4</sup> .....	2,892,499	3,004,533	1,653,728
Adjustment to the budget resolution for disaster allowance <sup>5</sup> .....	-10,350	-5,448	n.a.
Adjusted Budget Resolution .....	2,882,149	2,999,085	1,653,728
Current Level Over Budget Resolution .....	n.a.	n.a.	12,304
Current Level Under Budget Resolution .....	1,205,918	715,852	n.a.

<sup>1</sup> Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5), and the Omnibus Appropriations Act, 2009 (P.L. 111-8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

<sup>2</sup> Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2009 (H.R. 2346) .....	17	7,064	-2

<sup>3</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.  
<sup>4</sup> Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution.

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals .....	2,888,691	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5)) .....	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	6	-1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303) .....	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	-11	-11	0
Revised Budget Resolution Totals .....	2,892,499	3,004,533	1,653,728

<sup>5</sup> S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

## HONORING OUR ARMED FORCES

SPECIALIST CHANCELLOR ARSENIO KEESLING

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of Army SPC Chancellor Arsenio Keesling, from Indianapolis, IN. Chancellor was 25 years old when he lost his life on June 19, 2009, in Baghdad, Iraq. He was a member of the 961st Engineer Company of the U.S. Army Reserve, based in Sharonville, OH.

Today, I join Chancellor's family and friends in mourning his death. Chancellor, who was known to his friends and family as Chancy, will forever be remembered as a loving brother, son and friend to many. He is survived by his parents Gregg and Jannett Keesling; his brother O'Neil; his sister Tiana; his grandparents Gary and Gwen Keesling and Terrence and Barbara Fowle; and a host of other friends and family members.

Chancellor, a graduate of Lawrence North High School in Indianapolis, enlisted in the Army following his graduation in 2003. He served his first tour of duty in Iraq as a combat engineer assigned to a company based at Fort Sill in Lawton, OK. He was redeployed to Iraq in May 2009 with the 961st Engineer Company for a second tour of duty.

Chancellor had been home just a few weeks ago to celebrate his 25th birthday with family and friends. A native of Jamaica, where he lived until he was 12 years old, he had a particular pas-

sion for soccer and reggae music. He planned on going into the construction business once his military career was complete.

While we struggle to express our sorrow over this loss, we can take pride in the example Chancellor set as a soldier and patriot. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his 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 Chancellor's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Army SPC Chancellor Arsenio Keesling in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Chancellor'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 Chancellor.

## FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 43rd anniversary of the signing of the Freedom of Information Act, FOIA. The tragic events unfolding in Iran are a powerful reminder of the vital role of a free press and the free flow of information in an open society. Now in its fifth decade, FOIA remains an indispensable tool for shedding light on bad policies and government abuses. The act has helped to guarantee the public's "right to know" for generations of Americans.

Today, thanks to the reforms contained in the Leahy-Cornyn OPEN Government Act, Americans who seek information under FOIA will experience a process that is much more transparent and less burdened by delays than it has been in the past. A key component of the OPEN Government Act was the creation of an Office of Government Information Services, OGIS, within the National Archives and Records Administration. This office will mediate FOIA disputes, review agency compliance with FOIA, and house a newly created FOIA ombudsman.

I applaud President Obama and Acting Archivist of the United States Adrienne Thomas for recently appointing Miriam Nisbet as the first Director of OGIS. I look forward to working closely with Director Nisbet and I will continue to work very hard to ensure that OGIS has the necessary resources to carry out its mission.

These new reforms to FOIA are very good news. But there is still much more to be done.

Earlier this year, Senator CORNYN and I joined together to reintroduce the bipartisan OPEN FOIA Act, S. 612, a commonsense bill to promote more openness regarding statutory exemptions to FOIA. This FOIA reform measure requires that Congress clearly and explicitly state its intention to create a statutory exemption to FOIA when it provides for such an exemption in new legislation. While there is a very real need to keep certain government information secret to ensure the public good and safety, excessive government secrecy is a constant temptation and the enemy of a vibrant democracy.

The OPEN FOIA Act has twice passed the Senate this year as a part of other legislation. This bill provides a safeguard against the growing trend towards FOIA exemptions and would make all FOIA exemptions clear and unambiguous, and vigorously debated, before they are enacted into law. I hope that the Congress will enact this good government measure this year.

When describing our vibrant democracy, President Kennedy once wisely observed that “[w]e are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.” As we reflect upon the celebration of another FOIA anniversary, we in Congress must reaffirm this commitment to open and transparent government.

Open government is not a Democratic issue, nor a Republican issue. It is truly an American value and a virtue that all Americans hold dear. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 43rd anniversary of FOIA and all that this law has come to symbolize about our vibrant democracy.

#### COMMENDING HUBERT AND THOMAS VOGELMANN

Mr. LEAHY. Mr. President, I would like to bring to the Senate’s attention a recent article published in *The Burlington Free Press* on Father’s Day, which featured father and son botanists Hubert and Thomas Vogelmann from Jericho, VT, and the University of Vermont.

Now professor emeritus at the University of Vermont, Hub Vogelmann was the pioneer researcher calling attention to the impact of atmospheric

deposition—acid rain—on the forests of the Northeast. Hub led a field trip on the western slopes of the Green Mountains to view the damage in person with the Environmental Protection Agency, EPA, Administrator. His contributions to the stewardship of our natural resources are many, particularly concerning the health of the forest ecosystem.

Now dean of the College of Agriculture and Life Sciences at the University of Vermont, Hub’s son Tom is carrying on in the Vogelmann family tradition of science, service and stewardship.

As if this were not remarkable enough, Hub and his late wife Marie’s two other sons are scientists as well, Jim a botanist and Andy, a physicist.

I value the working relationship I have enjoyed with Hub over the years and look forward to working with Tom in his new role as dean.

Mr. President, I ask unanimous consent that the article “Like Father, Like Son—Fellow botanists have a lot in common,” be printed in the RECORD.

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

#### LIKE FATHER, LIKE SON; FELLOW BOTANISTS HAVE A LOT IN COMMON

(By Tim Johnson)

JERICHO.—This is a story about the family Vogelmann, father and son. They’re next-door neighbors.

Hub, the father, grew up in a city, married, had three sons, moved here to the country, and tried his hand at raising beef cattle—grass-fed, back before that was fashionable.

Tom, the eldest, proved adept at haying. He was a bit of a handful, into everything, but he was good at tossing bales into the barn.

Hub had a day job, and he used to joke that’s what made it possible for him to lose money on the cattle. Tom helped out but “he always had a mind of his own—it was get out of my way,” Hub recalled the other day.

Tom smiled knowingly. They were sitting on Tom’s porch in the late afternoon sun, reminiscing.

Hub’s day job was professor of botany at the University of Vermont. He was there 36 years, retiring in 1991.

Tom turned out all right. He, too, is a professor of botany . . . at the University of Vermont, where else? He’s also the new dean of the College of Agriculture and Life Sciences.

If ever there was a prime example of a son’s following in his father’s footsteps—not just figuratively, but literally—Tom is it. That’s what he’s doing every time he walks along the gravel road that runs past their houses.

#### BUTTERNUTS DECODED

Hubert W. “Hub” Vogelmann, son of a minister in Buffalo, N.Y., became a botanist by a kind of happenstance.

He liked science. During his last year at Heidelberg College, in Ohio, his favorite professor asked him what he was going to do after he graduated.

“I said, ‘I dunno,’” Hub recalled. “And he said, ‘You’ve got to go to graduate school. I know some people in the botany department at the University of Michigan.’”

On the strength of the professor’s recommendation, Hub went to Ann Arbor.

“They gave me an exam, and I flunked it,” he said. “The department chairman was very kind. He let me stay on.”

Hub stayed on long enough to get his Ph.D. His first job after that was at UVM, and he never left.

“Vermont,” he said. “As a botanist, you couldn’t ask for a better place.”

At first, Hub and his wife, Marie, settled in Essex Junction. In 1958, when Tom was 5, Hub bought a 120-acre dairy farm in Jericho and has lived there ever since. He later acquired the adjoining property and rented that place out.

Tom was in the first entering class at the new Jericho Elementary School. He remembers being able, from the house, to spot the distant school bus approaching from far across the fields—far enough away that he could time his arrival just right at the stop down the road. His summers were pretty uneventful. He remembers sitting in a tree and watching draft horses at work—old farming technology that was in its last throws in the ‘50s. He appreciated what he saw.

“When they’d do haying,” he said, “there was not one straw left.”

At age 14, during a year the family spent in Mexico, Tom served as his father’s assistant as they studied fog in the Cloud Forest. Later Tom went to UVM, where he sampled various disciplines. He liked science and remembers being intellectually swept away by plant biochemistry and molecular biology, two courses in his senior year. He remembers one night at the family dinner table: Tom remarked how curious it seemed to him that butternuts grow next to stone walls—could it be something in their biochemistry or molecular biology?

His father looked at him.

“Tom,” Hub said, “you need to take more ecology. They grow there because that’s where squirrels drop the nuts.”

Hub knew something about ecology, a field that began to flourish during his career. He did seminal research on the impact of acid rain on forests. He was the first to pin the decline of red spruce on industrial emissions from the Midwest, according to Walter Poleman, a senior lecturer at UVM, who delivered a testimonial May 1 when Hub received a Lifetime Achievement Award at the Center for Research on Vermont. “His findings helped establish guidelines for the Clean Air Act and set the stage for acid rain research throughout the Northeast,” Poleman said.

Tom went his own way. He applied to graduate school in plant biochemistry and in archaeology.

“The plant people took me,” he said. “The archaeology people didn’t.” So, he became a botanist, earning a Ph.D. from Syracuse University and specializing in whole-plant physiology. He and his wife, Mary (also a botanist), spent three years in southern Sweden, then they went to the University of Wyoming, where he rose to full professor. In 2001, someone from UVM asked if he’d be interested in chairing the botany department—the same department Hub had chaired for 20 years.

“I thought, ‘Why not?’” Tom said. “So, I came back in January of 2002.” He camped out in his old room in his father’s place. Before long the tenant vacated the house next door. Tom and Mary moved in. “The whole story is a bit surreal,” Tom said, when asked how he came to be living next door to his father. “It wasn’t ever thought out or planned. “One thing led to another,” he said.

#### GROWING DEGREES

One thing led to another for Tom’s younger brothers, too, both of whom also have doctorates. Jim has a Ph.D. in botany, and so does his wife. The youngest, Andy—the odd one out in this family, unless you count their late mother, Marie, who was an accomplished musician—has a Ph.D. in atmospheric physics.