

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

\*Francis S. Collins, of Maryland, to be Director of the National Institutes of Health.

\*James A. Leach, of Iowa, to be Chairperson of the National Endowment for the Humanities for a term of four years.

\*Rocco Landesman, of New York, to be Chairperson of the National Endowment for the Arts for a term of four years.

\*Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training.

\*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. FEINGOLD (for himself, Ms. CANTWELL, Mrs. FEINSTEIN, and Mr. SANDERS):

S. 1570. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1571. A bill to provide for a land exchange involving certain National Forest System land in the Mendocino National Forest in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEMINT:

S. 1572. A bill to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care; read the first time.

By Mr. WYDEN:

S. 1573. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the city of Hermiston, Oregon, water recycling and reuse project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself and Mr. LUGAR):

S. 1574. A bill to establish a Clean Energy for Homes and Buildings Program in the Department of Energy to provide financial assistance to promote residential-, commercial-, and industrial-scale energy efficiency and on-site renewable technologies; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1575. A bill to amend title 10, United States Code, to ensure that excess oil and gas lease revenues are distributed in accordance with the Mineral Leasing Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. SHAHEEN (for herself, Ms. SNOWE, Ms. COLLINS, Mr. SANDERS, Mr. MERKLEY, Mr. LEAHY, Mr. WYDEN, and Mr. SCHUMER):

S. 1576. A bill to require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emission reductions on private forest land of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WARNER:

S. Res. 237. A resolution commending Blue Star Families for supporting military families and increasing awareness of the unique challenges of military life; to the Committee on Armed Services.

By Mr. DEMINT:

S. Res. 238. A resolution to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care; to the Committee on Rules and Administration.

By Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. CARDIN, Mr. LIEBERMAN, Ms. MURKOWSKI, Mr. SESSIONS, and Mrs. SHAHEEN):

S. Res. 239. A resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. HATCH, Mr. DORGAN, and Mr. SPECTER):

S. Res. 240. A resolution designating September 9, 2009, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 252

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 324

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 324, a bill to provide for research on, and services for individuals with, postpartum depression and psychosis.

S. 354

At the request of Mr. WEBB, the names of the Senator from Delaware (Mr. KAUFMAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 566

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 566, a bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 593, a bill to ban the use

of bisphenol A in food containers, and for other purposes.

S. 627

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 627, a bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs.

S. 634

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 676

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 676, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. GRASSLEY) 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. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 878

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 952

At the request of Ms. SNOWE, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Illinois (Mr. BURRIS), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 952, a bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events.

S. 972

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 972, a bill to amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1034

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1034, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 1230

At the request of Mr. ISAKSON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 1261

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1261, a bill to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents, and for other purposes.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1375

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1375, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1401

At the request of Mr. MARTINEZ, the names of the Senator from Maine (Ms. SNOWE), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1401, a bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

S. 1482

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1482, a bill to reauthorize the 21st Century Nanotechnology Research and Development Act, and for other purposes.

S. 1492

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1554

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1554, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes.

S. 1567

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1567, a bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

S. CON. RES. 36

At the request of Mrs. LINCOLN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

AMENDMENT NO. 2238

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2238 intended to be proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2249

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 2249 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2276

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 2276 proposed to H.R.

2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of amendment No. 2276 proposed to H.R. 2997, *supra*.

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Mexico (Mr. UDALL), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Minnesota (Mr. FRANKEN), the Senator from Maine (Ms. COLLINS), the Senator from Colorado (Mr. UDALL), the Senator from Pennsylvania (Mr. CASEY), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of amendment No. 2276 proposed to H.R. 2997, *supra*.

AMENDMENT NO. 2277

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of amendment No. 2277 intended to be proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2285

At the request of Mr. NELSON of Nebraska, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2285 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Ms. CANTWELL, Mrs. FEINSTEIN, and Mr. SANDERS).

S. 1570. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation to eliminate from the Federal tax code the "Percentage Depletion Allowance" for hardrock minerals mined on Federal public lands. I want to thank Senators CANTWELL, FEINSTEIN, and SANDERS for joining me in introducing this legislation.

The Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2009 would result in estimated savings of at least \$250 million over 5 years, according to the Joint Com-

mittee on Taxation. Under this legislation, half of these savings would be returned to the Federal treasury and half would help address the serious contamination at the thousands of abandoned mines throughout the U.S.

Percentage depletion allowances were initiated by the Corporation Excise Act of 1909. That's right, these allowances were initiated 100 years ago. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the tax code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration, and output. The problem, however, is that percentage depletion also makes it possible to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of its capital investment: cost depletion and percentage depletion. Cost depletion allows for the recovery of the actual capital investment—the costs of discovering, purchasing, and developing a mineral reserve—over the period during which the reserve produces income. Under the cost depletion method, the total deductions cannot exceed the original capital investment.

Under percentage depletion, however, the deduction for recovery of a company's investment is a fixed percentage of "gross income," namely, sales revenue from the sale of the mineral. Under this method, total deductions typically exceed the capital that the company invested. The set rates for percentage depletion are quite significant. Section 613 of the Internal Revenue Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 to 22 percent.

There is no restriction in the tax code to ensure that over time companies do not deduct more than the capital that they have invested. Furthermore, a percentage deduction allowance makes sense only so long as the deducting company actually pays for the investment for which it claims the deduction.

The result is a double subsidy for hardrock mining companies: first they can mine on public lands for free under the General Mining Law of 1872, and then they are allowed to take a deduction for capital investment that they