United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

*Vol. 156* WASHINGTON, TUESDAY, SEPTEMBER 28, 2010 *No. 132*

# *Senate*

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Immortal, Invisible God Only Wise, the kingdom, the power, and the glory belong to You. Make us to lie down in green pastures and lead us beside still waters.

Lord, forgive us for peaceful talk and belligerent attitudes. In their quest for the best for all people, sensitize our lawmakers' consciences to hear Your voice, obey Your precepts, and to embrace justice, righteousness, and peace. Deliver them from that pride that refuses to acknowledge Your rule among the nations. Let integrity be the hallmark of their character. Help them to see that real security is found only in You.

We pray in Your sacred Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, September 28, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Following any leader remarks, there will be a period of morning business until 11:10 this morning, with Senators permitted to speak for up to 10 minutes each, during which Senators may make tributes to the late Senator Ted Stevens.

At 11:10 a.m., there will be 20 minutes for debate prior to a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 3816, the Creating American Jobs and Ending Offshoring Act, with the time equally divided and controlled between the two leaders or their designees. At 11:30 a.m., the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to the offshoring bill. If cloture is not invoked, there would be a second vote on the motion to invoke cloture on the motion to proceed to H.R. 3081, the legislative vehicle for the continuing resolution.

As a reminder, former Senator Ted Stevens will be laid to rest at Arlington National Cemetery at 1 p.m. today. Buses will depart the Senate steps at 12:15 p.m. today.

## HONORING ARLEN SPECTER

Mr. REID. Madam President, as I came into the Chamber, I saw my friend ARLEN SPECTER standing behind me. There will be other times I will say more about ARLEN SPECTER, but I think it is appropriate to say a few words today about ARLEN SPECTER. After the beginning of the year, he will no longer be with us as a Senator.

I have followed very closely his career. I have read his book—he has written a number, but I read the book about his life—and it was fascinating, about his prosecutorial skills in Pennsylvania.

We all know of his academic approach to the law in the Senate. When he comes to the floor, he is someone who speaks after having given serious, long thought to what he was going to talk about, as I am sure he will today. I have spoken in recent days with him at great length about something he strongly believes in; that is, making the Supreme Court something the American people can identify with by having cameras in and watching the arguments before the Supreme Court, not having to read a stale transcript but listen to the give-and-take of the lawyers and the Court.

As I said, I will have a lot more to say about ARLEN SPECTER at some time in the future, but I have appreciated his astute awareness of the law and his being so good to me. It doesn't matter whether he is a Democrat or a Republican, he is a Senator who I think is exemplary.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## A POLITICAL EXERCISE

Mr. MCCONNELL. Madam President, the American people have been speaking out for a year and a half. They have wanted Democrats in Washington to focus on the economy and on jobs. What they got instead was a budget

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that explodes the national debt, a $1 trillion stimulus that failed to hold unemployment down to the levels we were told it would, a health spending bill that is already leading to higher costs, and a raft of other bills that expand Washington's role in people's lives.

With just 3 days left in the Democrat's 2-year experiment in expanded government, they want to make a good last impression with a bill they know has no chance of passing and which they have no interest in passing. So this is about as pure a political exercise as you can get. In my view, it is an insult to the millions of Americans who want us to focus on jobs.

Democrats made a very clear choice. They chose to ignore the concerns of the American people and to press ahead with their own agenda over the past year and a half. In the last 3 days of the session, they have decided they can at least pretend to be concerned. This is nothing short of patronizing. But in some ways it is the perfect way to end a session in which the American people have taken a backseat to the Democrats' big government agenda.

As for the specifics of this bill, even if this were a serious exercise, it is a bad idea. Even the Democratic chairman of the Finance Committee said this bill could hurt American competitiveness. As a number of my colleagues pointed out yesterday, the way to get U.S. businesses to produce more here isn't to tax them even further, it is to stop punishing them with our high corporate tax rate. If American businesses are going to compete with foreign corporations, we should have competitive tax rates. It is that simple.

Moreover, the companies this bill targets, by and large, are not opening overseas subsidiaries to make products for Americans. They are moving overseas to serve foreign markets in addition to the markets they already have in place, and that creates jobs right here in the United States. When these additional markets overseas are opened, it creates jobs right here in the United States.

This bill is not a serious attempt to address a problem. It is a purely political exercise aimed at making a good impression. Unfortunately for Democrats, the impression they have made over the past year and a half has stuck—and for good reason.

## REMEMBERING SENATOR TED STEVENS

Mr. MCCONNELL. Madam President, at 1 o'clock this afternoon our dear friend, Ted Stevens, will be laid to rest, with honors, across the river at Arlington National Cemetery. So the Senate will be thinking of Ted Stevens today.

Ted was a legend in his own lifetime and the American people would have remembered him even if he had not gone on to serve as the longest serving Republican in Senate history. A recipient of the Air Medal and the Distinguished Flying Cross for his service in the Army Air Corps during World War II, Ted was, during his earliest days, an adventurer, a fighter, and a patriot. He lived an incredibly full life, most of it in service to his Nation and more specifically to his State.

His colleagues in the Senate admired and even sometimes feared him, but Alaskans loved him without any qualification. To them he was just ''Uncle Ted,'' a title I am sure will live on.

I have been to Alaska a number of times over the years at Ted's invitation and one of the things that becomes clear to anyone who goes up there, as I said at Ted's funeral last month, is that Alaska ironically is a pretty small place—in the sense that everybody seems to know each other, and everybody knew Ted Stevens. From the airport in Anchorage to the remotest villages, Ted is omnipresent up there. That is saying something in a State that is bigger than California, Texas, and Montana combined.

The reason is simple: In Ted's view, if it wasn't good for Alaska, it wasn't good. He devoted his entire adult life to a simple mission, to work tirelessly and unapologetically to transform Alaska into a modern State. He was faithful to that mission to the very end. It is hard to imagine that any one man ever meant more to any one State than Ted Stevens.

One of the stories I like about Ted is the one about his former chief of staff and his first trip to Alaska with Ted. When he showed up at Ted's house to pick him up at 6 o'clock in the morning, Ted had already gone through the briefing book he had been given the night before, read all the daily papers, and had already been on the phone to Washington for a couple hours. By the end of the trip, he said he needed a vacation after doing, for 2 weeks, what Ted had been doing for 39 years.

But Ted would always say he worked so hard because there was always so much work to do. Part of that, of course, was making sure that all of us knew about what Alaska and Alaskans needed. So everybody got invited up there—not necessarily because he liked you but because he wanted us to appreciate the unique challenges Alaskans faced day in and day out, and turning down an invitation from Ted Stevens was not recommended.

Ted poured himself into Alaska and he poured himself into the Senate. He mentored countless young men and women who worked for him over the years. He mentored countless new Members from both parties.

It was an honor to have known him, and it was a privilege to have served alongside him in the Senate for so long.

We have missed him the past 2 years, and we honor him again today.

I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 11:10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania.

## SENATOR TED STEVENS

Mr. SPECTER. Madam President, I have sought recognition to join in paying tribute to Senator Ted Stevens, who was in this Chamber from 1967 until early 2009, and his presence is still felt, so pervasive was his impact on this body.

My first contact with Senator Stevens was shortly after my election, when I was in the process of selecting my committee assignments. I had said during the campaign that I would seek the Agriculture Committee, but when the first round came up and there was a spot left on Appropriations, I decided that was the best committee to select for the interests of my State.

I did not get the Ag Committee. Appropriations has a subcommittee, Ag Appropriations, and it was filled. But Ted Stevens generously opened the spot, taking another subcommittee assignment so I could maintain, in part, my statement that I would seek influence on the agricultural issues.

Ted Stevens had a reputation for being tough and demanding. He had a famous Hulk tie which I proudly have in my closet and wear on occasions when it is appropriate. But behind that tough exterior, there was a heart of gold and a very emotional man. He said that he did not lose his temper, he would ''use'' his temper, that he did not lose his temper, he always knew where it was.

I recall one session of the Senate in the middle of the night. During Howard Baker's term as majority leader, he would sometimes have all-night sessions. It is amazing how much you can get done and how short the debate is at 3 a.m. An issue had arisen as to residency. I believe it was Bill Proxmire who had made some statements about living in Washington, DC. That infuriated Ted Stevens, and he rose, and in a loud, bombastic, explosive voice, he said he did not live in Washington, he lived in Alaska, and because of his affection for Alaska, he could not consider living in Washington. This was part-time duty to handle a specific job.

In 1984 after the elections, Senator Baker retired, and the Senate leadership was up. At that time, we had the most hotly contested battle for leadership during my tenure here and perhaps of all time. There were five top-notch candidates: Senator Stevens, Senator Dole, Senator McClure, Senator Domenici, and Senator LUGAR. It finally boiled down to Bob Dole and Ted Stevens, and Bob Dole won, 28 to 25. When the vote was taken, I happened to be sitting with Senator Dole.

We had lived in the same town—Russell, KS—and had been friends for decades. When Ted Stevens came over to congratulate Bob Dole, I was in the picture—a photo I prize until this day.

Senate leadership elections are complex, and there was later consideration that perhaps Bob Dole's leaving the leadership of the Finance Committee opened the door for Bob Packwood, whose vote was for Dole, and perhaps Senator Packwood's leaving the leadership of the Commerce Committee chairman opened it up for Jack Danforth. That was a watershed election.

Senator Stevens and I did not always agree on matters, such as the outcome of the Iran Contra matters, but there was also a collegiality and cordiality. I was the beneficiary of one of the famous Alaska trips with Ted Stevens. I caught a king salmon, 29 pounds—toughest 15 minutes of my life—and it hangs on a shelf. The stuffed salmon hangs proudly in my Senate office. Great fish to eat. They have ways of preserving the carcass so that you can stuff it. You can have your fish and eat it too.

Ted Stevens was a mentor. During the Alcee Hastings impeachment proceedings, where I was cochairman of the committee assigned to hear the evidence and later making a floor speech, I thought there ought to be a standard for impeachment. Ted Stevens wisely counseled me against that. He said: Don't do that. Don't try to establish some standard. It is a matter of each Senator's individual judgment. And when the impeachment proceeding of President Clinton came up, Ted Stevens was one of the 10 dissenters. He voted no on one of the bills of impeachment.

During the course of Ted Stevens' problems with the Department of Justice and the investigation, I talked to him about those matters, some of the implications in the criminal law case. I responded to an inquiry shortly before the 2008 election, was on Alaska radio cautioning the voters not to consider Ted Stevens a convict because the case was in midstream and there were very, very serious questions which had to be adjudicated, and I said I didn't know all of the details, but I had reviewed enough of the file to know that it was an open question. During the confirmation hearings of Attorney General Eric Holder, when we had our private talks—I was then ranking—I called the issue to his attention, and he promised to make a thorough review and later did so. And the rest is history. Ted Stevens was exonerated and the issue was dismissed.

After that event took place, I was talking to Larry Burton, who worked years ago for Ted Stevens, a squash-playing partner of mine. A few of us crafted a resolution honoring Ted Stevens and saying what a tremendous force he had been here, but we were asked by the lawyers to hold up because some action might be pending in the Department of Justice, so that should be delayed.

Today, we will lay Ted Stevens to rest, and with him a really great American. His family—Catherine, a devoted wife, an outstanding lawyer, a great public servant in her own right as an assistant U.S. attorney. When my class was elected in 1980, their daughter Lily was an infant, and she grew up in the Senate and now is a fine young woman, is a practicing attorney, and is now 30 years old. And Catherine, Joan, Ted, and I spent many pleasant evenings over a martini and a dinner and some of Ted Stevens' really great red wine.

He was extraordinary in his devotion to his State, and no Senator has ever done more for their State than Ted Stevens did for Alaska. So he leaves a great record, a great reputation, and he will be sorely missed.

In the absence of any other Senator in the Chamber seeking recognition, I ask unanimous consent for 15 minutes to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## A GRIDLOCKED CONGRESS

Mr. SPECTER. Mainstream Americans must march to the polls this November to express themselves forcefully to stop extremists financed by undisclosed contributors from stifling our democracy. The Congress is gridlocked, leaving the Nation's business floundering. Fringe candidates with highly questionable competency are winning primary elections. Moderates and some conservatives are falling because they fail the test of ideological purity.

In the past 10 years, both parties have taken advantage of procedural rules-gimmicks to thwart needed congressional action. During the administration of President George W. Bush, Democrats mounted so many filibusters against judicial nominations that the Senate was on the verge of changing an important rule requiring 60 votes to cut off debate. During the Obama administration, Republicans have exceeded the prior extremism of Democrats on filibusters. In addition, the leaders of both parties have abused procedural rules to stop Senators from offering important, germane amendments to pending legislation in a Chamber where the tradition had allowed any Senator to offer virtually any amendment on any bill to get a vote to focus public attention on important national issues.

The partisanship has reached such a high level and comity such a low level that there is not even the pretense of negotiation or compromise in almost all situations. Within days of the start of the Obama administration, literally before the ink was dry on his oath of office, Republicans openly bragged about plans to ''break'' him and to engineer his ''Waterloo.'' Announcing that ideological purity was more important than obtaining a majority, the prevailing Republican motto was: We would rather have 30 Marco Rubios in the Senate than 50 Arlen Specters.

Moderates and some conservatives, too, have fallen like flies at the hands of extremists in both parties. Senator ROBERT BENNETT's 39 percent conservative rating was insufficient for renomination in Utah. Senator LISA MURKOWSKI was rejected by Alaska's tea party's dominance in their Republican primary. In perhaps the most stunning election, an opponent whom conservative Republicans characterized as incompetent beat Congressman MIKE CASTLE. These elections were presaged by the surprising defeat of Senator JOE LIEBERMAN, who was not sufficiently liberal to represent Connecticut's Democrats.

The Senate is a vastly different place than it was when I was elected in 1980. In that era, Howard Baker and Lloyd Bentsen worked together. Bob Dole and Russell Long could reach an accommodation on tax issues. Bill Cohen and ''Scoop'' Jackson found compromises in the Armed Services Committee. The Nunn-Lugar initiatives were legendary. DAN INOUYE and Ted Stevens perfected bipartisanship on the Appropriations Committee.

I think it is fair and accurate to say that the Republican Party has changed the most ideologically from the days when the steering committee, led by Senator Jesse Helms, represented the conservatives and the Wednesday moderate luncheon club was almost as big, with Mark Hatfield, ''Mac'' Mathias, Lowell Weicker, John Danforth, Charles Percy, Bob Stafford, John Heinz, John Chafee, Bob Packwood, Alan Simpson, John Warner, Warren Rudman, Slade Gorton, and ARLEN SPECTER, in addition to Baker, Dole, Stevens, and Cohen. By the turn of the century, the group had shrunk to Jim Jeffords, OLYMPIA SNOWE, SUSAN COLLINS, LINCOLN CHAFEE, and me. After the 2008 election, only SNOWE, COLLINS, and I remained.

By the fall of 2008, the economy was in free fall. More than half a million jobs were being lost each month, and the unemployment rolls were nearing 4 million. President Bush formulated a $750 billion so-called bailout called TARP, the Troubled Asset Relief Program. Resistance to the proposal was high. The House of Representatives rejected it on September 29 by a vote of 228 to 205. The stock market fell 778 points on the Dow Jones average. Nothing could be done immediately since many in Congress—myself included—were in synagogues across the country celebrating Rosh Hashanah on that evening and the next day. The Senate came back into session on October 1 to vote on TARP.

Vice President Cheney met with the Republican caucus to urge acceptance of the President's plan. Dick Cheney had an earned reputation for being a dry, factual, unemotional speaker, low key, direct, here it is, take it or leave it.

Before the Senate vote, in the Senate Mansfield Room, immediately off this Chamber, the Vice President was impassioned. He said if you don't pass

this legislation, George W. Bush will turn into a modern day Herbert Hoover.

Republicans responded with 34 voting aye and 15 opposed. TARP passed the Senate 75 to 24. The House followed suit, and the President signed the bill. It wasn't a pretty legislative process. It started out with a few pages, mushroomed into a gigantic bill, without appropriate hearings, analysis, debate or deliberation. Fast action was mandatory if we were to stop the market slide and the economy from crashing. The implications were worldwide.

The situation continued to deteriorate. President Obama immediately went to work on a stimulus bill. He came to the Republican Caucus on January 27, and made a very strong appeal on the urgency of immediate action to save the U.S. economy from a 1929-type depression with a domino effect on the world economy. He said it was imperative that the bill be passed by February 13, the Friday before Congress began a weeklong recess for the Washington/Lincoln birthdays.

A large group of Senators held a series of meetings attended by about 15 rotating Democrats with 6 Republicans initially in attendance: OLYMPIA SNOWE, SUSAN COLLINS, GEORGE VOINOVICH, LISA MURKOWSKI, MEL MARTINEZ, and me. The final meetings were held on February 6 in HARRY REID's office, attended by SUSAN COLLINS, BEN NELSON, JOE LIEBERMAN, Rahm Emanuel, REID, and me. COLLINS and I insisted on having a final bill under $800 billion. The Obama figure had started out at $600 billion and ballooned to more than a trillion dollars. She and I thought it would be tough for the public to swallow a stimulus act so we insisted on holding the figure under $800 billion. When she and I couldn't agree with the Democrats, we took a break and went to my hideaway office to confer. There we formulated our last best proposal, which was accepted.

The stimulus package, like TARP, was put together too fast without appropriate hearings, analysis, debate, and deliberation. Had the Republican leadership participated, there would have been critical staff assistance on formulating what the money should have been spent for to stimulate the economy immediately and create jobs, but the Republican leadership refused to participate. The Republican game plan was already in effect to ''break'' Obama and cause his ''Waterloo.''

There were many Republicans in the caucus who would have liked to have voted for the stimulus. The U.S. and world economies were closer to the precipice of depression than when 34 Senators had voted for TARP. But the pressure to vote the party line was tremendous—the strongest I had seen in my 29-year tenure. The risk of retribution was enormous.

After making my floor speech supporting the President's plan, I walked back into the Republican cloakroom where a senior colleague said: ''ARLEN, I'm proud of you.'' When I then asked him: ''Will you join with me?'' he replied: ''No, I couldn't do that. Might cost me a primary.'' While there has been much justified criticism that the stimulus legislation could have been better, most would agree that it did prevent a 1929-style depression.

Not interested in governance, after the stimulus vote, Republicans turned to obstructionism—a virtual scorched-earth policy to carry out the plan to defeat the President. In 2009 and 2010 to date, 112 cloture motions have been filed and voted on 67 times. That the filibusters were frivolous, dilatory, and obstructionistic is evidenced by the fact that some judges were confirmed by overwhelming majorities, some 99 to 0, after cloture was invoked. Each time cloture was invoked, the Senate could not take up any other business for 30 hours, leaving little time to take up other vital legislation.

On some occasions, relatively rare, the filibusters were justified where the majority leader filled the so-called tree, precluding minority amendments. That sometimes led to half-hearted negotiations over how many and what amendments the minority could offer, resulting in reciprocal recriminations of unfairness. Often the recriminations were meritorious with both parties being to blame. Each side maneuvered to avoid voting on amendments which posed political risks to their side. Notwithstanding the fact that Senators are sent to Washington to vote, enormous energy is expended to avoid votes. This issue did not apply to judicial confirmations where no amendments were in order. In 2008, I proposed a rule change to establish a timetable for confirming judges precluding filibusters. In 2009, I proposed a rule change to prohibit filling the so-called tree to prevent other Senators from offering amendments.

The exodus of Senate Republican moderates has resulted from the shift of the party to the right causing many moderates to reregister as Independents or Democrats, significant expenditures by the Club for Growth, the activism of the tea party, and, more recently, the infusion of enormous sums of money from secret contributors. Extreme right-wing candidates have benefited from enormous campaign expenditures by outside groups. The New York Times recently reported that ''outside groups supporting Republican candidates in House and Senate races . . . have been swamping their Democratic-leaning counterparts on television . . .'' Bloomberg News reports that, in September alone, groups supporting Republican candidates spent $17 million while groups supporting Democratic candidates spent only $2.6 million.

The Club for Growth's backing of Lincoln Chafee's primary opponent in Rhode Island in 2006 was especially costly causing his defeat in the general by draining his financing and pushing him to the right. It cost Republicans control of the Senate in 2007 and 2008. When the Club for Growth defeated moderates in the primaries, Pete Domenici's seat was lost in 2008, as were the House seats of Joe Schwartz in Michigan in 2006 and Wayne Gilchrist in Maryland in 2008.

It is understandable that moderates are responding to caucus pressure, seeing what is happening to colleagues who are seen as ideologically impure and insufficiently conservative. BOB BENNETT had a 93 percent conservative rating. Only two objections were raised against him: he sponsored health care reform legislation which was cosponsored by many other Republicans, and he voted for TARP. As noted, TARP was President Bush's legislation, enthusiastically advocated by Vice President Cheney. It was a significant success, stabilizing the banking industry and enabling GM and Chrysler to stay in business. Most of the government funds have been repaid.

South Carolina Congressman BOB INGLIS, who was defeated earlier this year by a conservative primary challenger, said today's political climate would make it ''a tough time for Ronald Reagan and Jack Kemp.'' Florida Governor Charlie Crist was driven out of the Republican Party to an Independent candidacy because his State accepted stimulus money. He was pictured embracing President Obama and he was thought to be too liberal. Considering what has happened to BENNETT, MURKOWSKI, CASTLE, and Crist, is no wonder that Republican Senate moderates and some conservatives are hewing the party line as they watch right wingers plan for their primary defeats years away.

Republican Senators who previously actively supported campaign finance reform were unwilling to cast a single vote with 59 Democrats to proceed to consider legislation requiring the disclosure of corporate contributions permitted by the Supreme Court decision in Citizen's United. Notwithstanding the broad latitude given to campaign contributions under the first amendment, the Supreme Court rulings leave Congress the authority to require disclosure. It is hard to understand how any objective view would oppose disclosure when secret contributions pose such a threat to our democracy.

The ACTING PRESIDENT pro tempore. The Senator has now used his additional 15 minutes of time.

Mr. SPECTER. Madam President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I have been waiting now to speak on Ted Stevens, which was, I thought, the time allotted here. I am happy to give the Senator another 2 minutes on top of the extra 15 if that is necessary, but we have several Members wishing to speak on Senator Stevens. If he would hold it to another 2 minutes.

Mr. SPECTER. Well, I asked for the time when no one was here. I do ask for the additional 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Utah.

Mr. BENNETT. Madam President, reserving the right to object, and I shall not, I ask unanimous consent that following Senator SPECTER, I be recognized for 5 minutes, Senator HUTCHISON be recognized for 5 minutes, Senator COLLINS for 10 minutes, Senator ALEXANDER for 5 minutes, and Senator ISAKSON for 5 minutes, thus locking in the time we understood we were going to get.

The ACTING PRESIDENT pro tempore. Without objection, both requests are granted.

Mr. SPECTER. To continue the chain of thought, like the issue on campaign contributions, the DOD authorization bill was stymied on the excuse of ''procedural'' considerations involving ''don't ask, don't tell,' when many Republicans had voted to repeal it on prior occasions.

This country is still governed by ''we the people,'' but the only people who count are the ones who vote. If mainstream Republicans had been as active tea party Republicans in the Utah, Alaska, and Delaware primaries, I believe BENNETT, MURKOWSKI, and CASTLE would have won. That would have given heart to other Republican Senators that their records would be judged by a sufficiently large base to give them a fighting chance to survive.

Politics is routinely described as the art of the possible or the art of compromise. The viability of the two-party system is predicated on advocacy of differing approaches to governance which ultimately seeks middle ground or compromise. That is virtually always indispensible to reach a supermajority of 60. When one party insists on ideological purity, compromise is thwarted and the two-party system fails to function.

People with grievances are the most anxious to shake up the system. The Congress needs to deal with issues such as the deficit, the national debt, and the intrusiveness of government. The tea party people who attended townhall meetings in August of 2009, like mine in Lebanon, were not Astro Turf, but citizens making important points. But they did not represent all of America or, in my opinion, even a majority of Republicans. Pundits are saying this November our Nation will be at the crossroads. I believe it is more like a clover leaf. If activated and motivated to vote, mainstream voters can steer America to sensible centrism.

Madam President, I thank my colleagues for their forbearance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

## REMEMBERING SENATOR TED STEVENS

Mr. BENNETT. Madam President, today we will go to Arlington for the final ceremony with respect to our former colleague, Senator Ted Stevens. He has earned a place in Arlington by virtue of his service in the Second World War, but he has earned a place in the hearts of all of us who worked with him, and like my colleagues I want to take the opportunity to say a few words about Senator Stevens.

Senator Stevens was something of a character. He would wear his Hulk tie. He would cultivate his reputation as an irascible fighter, and he always had a twinkle in his eye when he did it. But there was some truth to it.

I remember the first time he took over as the chairman of the Senate Appropriations Committee. He gathered us together and he, speaking of his predecessor, Mark Hatfield, said: Mark Hatfield was a saint. He was filled with patience. You could talk to him at length, and he was always willing to defer. He was always willing to put off until you could get to the right solution. Mark Hatfield was a saint. I am not. We are going to get this thing done, and we are going to get it done on time. I am impatient, and I am going to make sure that the things go in the way they should.

We all chuckled at that. We did, indeed, enjoy Mark Hatfield. But the point I want to make today is that behind that facade that Senator Stevens liked to put up was a very serious legislator and a very superior human being.

Ted Stevens was always accessible. No matter what your problem was, you could go to him and he would listen to you. I discovered that when we were working on funding for the Olympics. He was a great supporter of the Olympics. As a Senator from Utah, when we were holding the Olympics I not only got his support, but I got his advice and his help. He was always accessible. He was always prepared. If you went to Ted Stevens, you wouldn't catch him by surprise on anything. He was always engaged. He didn't have to have the staff bring him up to speed; he had to have an understanding of the issues himself.

Perhaps most importantly, Ted Stevens was always open to new ideas. I was chairman of the Joint Economic Committee and would talk about the economy to the conference as a whole and would be surprised how many times Ted Stevens would come up to me after and have some new idea about the economy or some new source he had come across he would recommend to me. Even after he had left the Senate when I would run into him in a social situation, Ted would say, You ought to get your staff looking at—and then he would fill in the blank with information of what it was he had found out.

Ted Stevens served in the highest tradition of this body. It was an honor and a privilege and a learning experience for me to be able to serve with him. On this day, he takes his final resting place in Arlington. I join with my colleagues in paying tribute to him, not just as a Senator but as a superior human being and a great friend.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to salute my former colleague Ted Stevens who will be laid to rest in Arlington today. He earned the right to be buried in Arlington National Cemetery, having served in World War II. That is one of the things that hasn't been talked about as much regarding Ted Stevens because he was a remarkable Senator and has a remarkable history with his State of Alaska as well as in the Senate.

Ted Stevens served here for 40 years. From the very beginning, Ted was Alaska's greatest champion. He helped found his State. He pushed through Alaska statehood and worked tirelessly to serve its unique needs for his entire life and continued to be its greatest advocate.

Nine years after he helped establish Alaska's statehood, he was elected to serve in the Senate. He spent the next 40 years building his State from an undeveloped territory, which Alaska was, to one of our Nation's most important energy producers, along with the other things Alaska gives to our great Nation. It is a testament to Ted Stevens' mighty efforts and his love for his native land.

Alaska and every other State was helped by Ted Stevens. Everyone knows he took care of Alaska because he fought ferociously, but he also helped every other Senator represent their States and the priorities of their States, and that was one of the great things about this man.

In particular, when he went on the Appropriations Committee and later was its chairman as well as the chairman of the Defense Appropriations Subcommittee, he devoted himself to protecting our troops, to making sure they had the right equipment to do the jobs we ask them to do. Of course, he was a man of the military. He was so proud of his air service. He was a man who had flown in World War II. I visited the World War II Memorial to Americans in Great Britain with Ted Stevens, and he walked around all of the old airplanes and talked about the airplanes that were there and the ones he had flown and the ones that were new. There was an excitement about that, in his 80s—all the memories of his World War II time.

When someone would say to me, How do you get along with Ted Stevens, I would always say Ted Stevens is a man who is all bark and no bite. This was a man who had this Incredible Hulk tie and he would frown and he would look ferocious. He was so tender underneath. He wanted to help people. He wanted to make sure people did the right thing. He had a passion, he did, but he was so good underneath.

Back in 1993, when I first entered the Senate, I was one of seven women Senators. I would say there was not another woman on the Defense Appropriations Subcommittee—my colleague BARBARA MIKULSKI was on the committee—but I wanted to be on the Defense Subcommittee and I told Ted Stevens, We have more Army retirees in Texas than any other State. We have great Army bases as well as Air Force bases in Texas. I want to be on the Defense Subcommittee. He helped me get there. It made a difference in my capability to serve my State and my Nation.

I traveled once with Ted Stevens and DANNY INOUYE to Saudi Arabia for our work on the Defense Appropriations Subcommittee. I was told later that Ted Stevens was actually discouraged by our Saudi host from bringing me with the delegation because I was a woman. Ted Stevens never told me this until later. He said, No way am I going to keep a member of my subcommittee and my committee off this trip she deserves to go on, and that was it. I was part of the delegation. I visited our air base there with all of the other Members. I participated in every meeting and every event during that trip. Ted Stevens and DANNY INOUYE together would have it no other way.

Let me mention the relationship between DANNY INOUYE and Ted Stevens.

Ted Stevens and DANNY INOUYE were the chairman and ranking member of the Commerce Committee, but they never referred to each other as ranking member. They were always chairman and vice chairman. It went back and forth. When Democrats were in charge, DANNY INOUYE would be the chairman of a committee and Ted would be the vice chairman. If Republicans were in the majority, it would be Ted who was the chairman and the vice chairman would be DANNY INOUYE, because they were World War II soulmates. DANNY INOUYE—who is now the chairman of the Appropriations Committee and another great patriot for our country, hailing from Hawaii, who won the Congressional Medal of Honor for his great service in World War II—and Ted were inseparable friends and called each other soul brothers.

Another Ted story: One day during the markup in the Senate Appropriations Committee, Ted grew very animated, as he did on issues, and when another Senator said, Mr. Chairman, there is no reason for you to lose your temper, Ted glared back and said, I never lose my temper. I know exactly where it is. Those who knew him best knew his compassionate heart.

There is a wonderful article this morning in Politico, one of the newspapers on Capitol Hill, and it talks about his time. Again, another Ted story, World War II: He was very close to the Chinese, because he flew missions into China. One of the things he did was fly supplies to GEN Claire Chennault's Flying Tiger air bases in China. He escorted Anna Chennault on her first trip back to China in 1981 when Stevens himself had just remarried and was on his honeymoon with Catherine. ''We went on our honeymoon there with Anna Chennault'', said Catherine Stevens, laughing. ''Everybody kept sending tips that Ted Stevens is on his honeymoon with Anna Chennault.'' Then Catherine said, ''And that was technically true.''

This is another side of this wonderful man that we are going to bury today with all of the tributes and accolades he deserves at Arlington National Cemetery. We will miss this great man, this great patriot, this great Alaskan, this great American, and this great friend to every one of us here.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, Senator COLLINS is next in order, but she has kindly given me a few minutes to make my remarks, and I wish to thank her for that.

Senator Ted Stevens will be remembered as a patriot who flew the first cargo plane into Peking, as it was then called, at the end of World War II, and helped create and then serve the 49th State for a half a century.

I have often thought that some day I should write a book about Senators—not about their gossip or their secrets—but about the things others don't know about the people we work with: About JIM INHOFE's flight around the world; about Ben Nighthorse Campbell's jewelry; about Barack Obama's and Mel Martinez's boyhood; about JIM BUNNING's pitches. All of these things have nothing to do with politics. I always wanted to start with Ted Stevens. Some day I think I will write this book, including about how he flew a cargo plane into Peking at the end of World War II. It says a lot about the kind of life he led afterwards.

No one did more to create Alaska as a State. He worked at the Interior Department for several years, writing speeches, lobbying, doing all kinds of things to cause it to happen. Then he served that State for nearly a half century in the best manner of the greatest generation.

He had a broad view.

He and Senator INOUYE led a trip, along with several of us, to China in 2006, a delegation of Senators. We were better received than if they had been the President and Vice President of the United States, because the Chinese revered Ted Stevens and honored DANNY INOUYE because of their service in World War II. We saw the No. 1 man in China, President Hu. We saw the No. 2 man, Mr. WU. We saw in all parts of the country the respect they had for Senator Stevens and Senator INOUYE.

Senator Stevens carried that to the floor of the Senate. For example, he saw there in China what the Chinese are doing to remain competitive in the world by building up their universities, keeping their brain power advantage. He came back to this body and became a principal cosponsor of the America COMPETES Act, which helps our country do the same.

Perhaps no two Senators had a closer relationship than Senator INOUYE and Senator Stevens. They came from the same generation. They fought in the same war. They were both enormously brave. They treated one another as brothers.

I was a young aide in the Senate when Ted Stevens was first appointed to the Senate in 1968. He was here when I came back 20 years later as the Education Secretary, and when I came back as a Senator 8 years ago, he was still here. He served longer than any other Republican Senator. He will be remembered as a great patriot and as the man who flew the cargo plane into Peking in 1944 and spent half a century creating and then serving our 49th State.

I thank the Chair. I thank the Senator from Maine for her courtesy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Madam President, it has actually been a great pleasure to sit on the floor—and I see the Presiding Officer nodding in agreement—and hear these tributes to our friend, Senator Ted Stevens.

It is, of course, with sorrow that I rise to offer these words on the tragic passing of Senator Stevens, but it is also with a sense of gratitude and fondness that I remember him and that I celebrate his dedicated service to our Nation, to his beloved State, and to the Senate. My thoughts and prayers remain with the Stevens family and with the families of the others who perished in that heartbreaking accident.

In 1999, Senator Stevens was named ''Alaskan of the Century.'' It was a fitting tribute to a man who, though not Alaskan by birth, became one with every ounce of his spirit, energy, and determination.

In 1953, with his heroic military service behind him and fresh out of law school, he drove from Washington, DC, to Fairbanks, AK, in the middle of the winter to begin his first job in his new profession. He soon was appointed U.S. Attorney and quickly established a reputation as a courageous and diligent prosecutor. Returning to Washington 3 years later to accept a position in the Department of the Interior, he took on the cause of Alaskan statehood as the cause of his life.

In 1959, his relentless efforts were rewarded with success. He served with distinction in the brand-new Alaska State Legislature and joined the Senate 9 years later. In this city, he was known as ''Mr. Alaska.'' Back home, he was simply ''Uncle Ted.'' His devotion to his constituents in matters large and small, and in all corners of that vast State, was unsurpassed.

Let me return to his military service for a moment, for I believe it offers a clear view of his character and his patriotism. In 1942, with America plunged

into war, Ted volunteered to become a Navy aviator, but was rejected due to problems with his vision. Rather than admit defeat, he embarked on a course of rigorous eye exercises and earned his way into the Army Air Corps, scoring near the top of his training class. His assignment—to fly cargo over the towering Himalayas to the legendary Flying Tigers—was extraordinarily dangerous. His valor earned him two Distinguished Flying Crosses and two Air Medals, as well as military honors from the government of Nationalist China. As in all things, Lt. Ted Stevens let no obstacle bar his way.

I was privileged to work alongside this extraordinary Senator on the Homeland Security Committee. On every issue, Senator Stevens demonstrated great knowledge and commitment to protecting our Nation and our people. As just one example, he was instrumental in passage of the SAFE Ports Act of 2006 to secure the seaports that are so essential to our Nation's prosperity and security.

Alaska and Maine are separated by a great many miles, but our two States have much in common, including spectacular scenery, and rugged, self-reliant people. Our States also share a connection to the sea that is central to our history and our future. From the Magnuson-Stevens Fisheries Conservation and Management Act of 1976, to his work to protect marine mammals, Senator Stevens demonstrated a deep commitment to the hardworking people who sustain countless coastal communities and an abiding respect for the natural resources that bless us all.

Since his passing, tributes have poured in from across America. Some serve as valuable reminders of his commitment to a broad range of interests. Olympic athletes and those who aspire to that level of achievement know that his Amateur Sports Act of 1978 brought the dream of competing on the world stage within reach of all, regardless of financial circumstances. Female athletes celebrate his support of title IX, which leveled the playing field for women in sports. Cancer survivors remember him as a champion of research, testing, and education in that dread disease. Alaska Natives and Native Americans throughout the Nation recall him as a true friend.

Mr. President, 3 years ago, Ted Stevens became the longest-serving Republican in Senate history. His service has inspired many who seek to serve their States in public office. We will remember him always, and may God bless Ted and comfort his family, his friends, and those of us who were privileged to serve with him.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I join Senator COLLINS and many colleagues in paying tribute to the life and times of Senator Ted Stevens.

While today we will lay his body to rest, his legacy will never be laid to rest. There has never been a more impactful Senator for their State in this country than Senator Ted Stevens.

While I can tell countless stories, I wish to make two brief observations to show you the heart and soul of the effect and impact of Ted Stevens. One of my dear friends, the first Republican Senator from Georgia since Reconstruction, Mack Mattingly, from Brunswick, GA, told me not too long ago, after the passing of Senator Stevens, that when he first came to the Senate in 1981, Stevens was the first man to reach out to him, to help him, and to show him the way. I said: Mack, that is interesting, because when I was elected 6 years ago and I came to the Senate, the first man to offer a hand of leadership and help show me the way was Senator Ted Stevens.

Ted was a consummate Senator, a ferocious fighter for the State of Alaska, and a proud patriot of the United States of America. He may have been small in stature, but he was a giant in ability.

I always loved when we debated ANWR on the Senate floor—whether to drill. He wanted to drill. The people of Alaska wanted to drill. Every day that amendment was going to come up, you knew it because he had his Incredible Hulk tie on and was ready for the fight—not in an adversarial way or in a fistfight way but in a pride way, fighting for what was right for Alaska.

Today, we will lay Senator Stevens to rest in Arlington National Cemetery, but his legacy will live on as a consummate fighter for his State and a lover of this great country. As I have said in my stories about Senator Mattingly and myself, Ted was a mentor to those who came to the Senate to serve. May God bless the life, the times, and the family of Senator Ted Stevens.

Mr. ENZI. Mr. President, it was just about two years ago that many of us came to the floor to say goodbye to one of our good friends. Ted Stevens was leaving the Senate and returning home to his beloved Alaska. He had earned his retirement many times over.

At last there would be time to do the things that he always enjoyed—fishing, spending more time with his family, and being with the people of Alaska who hold him in such high esteem and affection. He was known throughout the State as Uncle Ted.

Now we are gathered again to reflect on Ted Stevens and his life, but this time we are here to say a final farewell as we mourn his loss. On reflection, nothing says more about the way he lived his life than to speak of his loss at the age of 86 with the feeling that he was taken from us all too soon.

Ted's life was a great, grand and glorious adventure, and he filled every day of it to the brim as he pursued anything and everything that interested him or moved him to action. The strength of his character and his love of his country saw him through his military service. His determination to succeed and his commitment to getting a good education helped him through college and then through law school as he worked to obtain the skills and the knowledge he knew he would need to be successful in whatever he chose to do in life.

For all who knew him, Ted's ultimate legacy can be summed up in one word—statehood. That was his first and most powerful calling, and his successful effort to make Alaska a State left its mark on our country and our flag—a distinction that will ensure that Ted will always be remembered.

Although it was a remarkable achievement, the idea of making Alaska a State wasn't a new idea when Ted got a hold of it. It had been talked about for some time, but it wasn't going anywhere because the proposal needed something more to get the ball rolling—it needed a champion who would fight for it—someone who could develop a strategy that would make the impossible dream of the people of Alaska come true. That individual was Ted Stevens.

Ted practically ran the effort from start to finish as soon as he arrived in Washington. He had a plan, and he put it into operation. It produced a groundswell of support that became so powerful there was just no stopping it. Soon President Eisenhower had signed the necessary legislation and Alaska had become our 49th State.

For most people, that would have been enough. But it wasn't enough for Ted. Ted didn't know what life had in store for him, but he knew where he would be taking the next steps in his life—back home in Alaska.

After a series of twists and turns, Ted became one of Alaska's Senators. He was a tremendously effective Senator, and his reputation grew over the years as a tireless worker who wouldn't take no for an answer when it involved one of his State's priorities.

Ted and I were able to forge a good working relationship and a friendship that meant a lot to us both. We understood each other and more often than not, we supported each other's legislative priorities. Wyoming is a lot like Alaska, so that may explain why Ted and I got along so well.

Wyoming is a large State with a relatively small population. So is Alaska. Wyoming is blessed with an abundance of natural beauty. So is Alaska. The people who call our States their home are strong, independent and proud—proud of their past, confident of their future, and well aware of how blessed they are to be Americans. I think that comes from the placement of our States. It took people with a sense of adventure and a willingness to put up with a great deal of difficulty and an abundance of hardship to travel the miles it took for them to get to Wyoming and later to travel North to Alaska.

In the years to come, whenever I remember the days I spent with Ted, I will think of the words of the old adage that reminds us that the most important inheritance we receive from our

friends, family and those we care about is found in the memories we will always carry with us of the special days we shared with them. For me, I will always remember the times I spent away from the Senate doing what Ted and I most loved to do: enjoying the great outdoors with a fishing rod in our hands. If you are from Wyoming or Alaska, I do not think you can find a bad fishing spot anywhere in those two States.

That is how Ted got a lot of us to his beloved Alaska year after year. He was always talking about his Kenai Tournament and the chance it gave everyone to see the sights of Alaska and get a little break from the rigors of the Senate. It was a great fishing tournament, but it was also a chance for us to help Ted raise some needed funds that were used to improve the habitat of the salmon that had the good sense to live there.

God must have needed a good man. I know we all miss Ted. When he wore his Hulk tie, you knew things were about to happen and happen fast. This memory makes it feel like he is never far away. Diana joins in sending our sympathy to Catherine and all his family. The Stevens family can be very proud of the difference they made together over the years and of the legacy they will proudly carry of service and an unwillingness to ever think any task is impossible, no matter how difficult the struggle.

I cannot help but think God needed someone with Ted's abilities to have taken him from us. I take some comfort in the knowledge that Ted was doing those things he dearly loved right up to the end. He was flying around his beloved Alaska and heading to a lodge to catch up on a little fishing when his plane went down.

In the days to come, whenever I am with my grandson and we both look up at the sky with the awe and wonder it inspires, I will remember the words of the Eskimo proverb that speaks to the reason why the beautiful lights in the sky shine so brightly at night. As legend goes: Perhaps they are not stars but, rather, openings in heaven, where the love of our lost ones pours through and shines down upon us to let us know that they are happy.

I do not know if there is fishing in heaven, but if there is, I know Ted must be up there somewhere waiting patiently for a nibble and the chance to reel in another prize winner. I can almost see him there, fishing rod in hand and a smile on his face. If that is what heaven has brought to Ted, I have no doubt he will be happy forever because it does not get any better than that.

Mr. INOUYE. Mr. President, I rise to laud the life and work of the Honorable Ted Stevens, Senator from Alaska. Ted was a fellow World War II veteran and my partner in the Senate who fought hard on behalf of Alaska and this great Nation.

When it came to policy, we disagreed more often than we agreed, but we were never disagreeable with one another. We were always positive and forthright.

We shared a bond in that we believed it was our mission to ensure that Hawaii and Alaska were not forgotten by the lower 48 and our efforts were constant reminders of the economic and international importance of the Pacific.

Our beloved Ted was much more than the Senator of Alaska, much more than a fighter and an advocate and an example of what bipartisan effort can accomplish. Ted was a father, grandfather, and loving husband who put his family before everything else. We have lost a great man, and I join my colleagues in mourning his passing.

Mr. President, recently in meeting with the Librarian of Congress, Dr. James H. Billington, our chat focused upon Senator Ted Stevens. I learned that on August 14, 2010, Dr. Billington had written a special tribute to Senator Ted Stevens. Yesterday, I received a copy of this tribute and I wish to share it with my colleagues.

Our beloved Ted was much more than the Senator of Alaska, much more than a fighter and a brilliant parliamentarian. This tribute says something about him and his impact on Alaska and the world. I thank Dr. Billington for his heartfelt tribute to our great friend and colleague.

Mr. President, I ask unanimous consent to have Dr. Billington's tribute printed in the RECORD.

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

A TRIBUTE TO SENATOR TED STEVENS

(By James H. Billington, The Librarian of Congress, Aug. 14, 2010)

Just a few years ago, at the end of a particularly exhausting week in the Senate, Ted Stevens took an overnight flight to open a Library of Congress exhibit for the 300th anniversary of St. Petersburg. He insisted that I take his comfortable seat on the way over; and he flew back rapidly—leaving me well-rested for follow-up and the Russians in awed admiration of his age-defying journey to a distant cultural event of symbolic and even political importance.

This small memory came back to me just a year ago when I was back again in St. Petersburg. I was waiting to speak after Russian President Medvedev at the dedication ceremony of a great Petersburg palace that had been refashioned into the central building of a new library system for Russia modeled in many ways on the Library of Congress. I think my subconscious was reminding me that neither I nor the Library would probably have been in the picture without the varied ways that Ted Stevens quietly helped the Congress' library undertake new initiatives for our country—during and beyond his many years as Chairman and Vice-Chairman of the Joint Committee on the Library of Congress.

Senator Stevens played a key role in bringing into being within the legislative branch of government three important innovations for sustaining long-term American leadership in the world. Each of them had from the beginning bipartisan, bicameral support, and have been implemented in cooperative collaboration with the executive and judicial branches.

1. He championed a special $2 million grant to the Library in 1999 to create a bi-lingual, online library of primary documents comparing the parallel experiences of Russia and America as continent-wide, multi-ethnic nations. This visionary, one-time appropriation (which we had not requested in our budget submission) enabled the Library to attract unprecedented in-kind support from 36 Russian repositories and to put online three-quarters of a million rare Russian items. This experience has helped equip us more recently to launch a multi-lingual World Digital Library with private support and the endorsement of UNESCO.

2. Senator Stevens was an early advocate and continuous supporter of The Open World Leadership Program, the first international people-to-people exchange ever created and administered within the legislative branch of our government. For eleven years it has enabled more than 15,000 emerging young leaders from Russia and other states of the former USSR to experience democratic governance in action in local communities across America. Senator Stevens was and remained active and engaged as the Honorary Chairman of its Board of Trustees.

3. At a very busy time late in the year 2000, Senator Stevens devoted an entire Saturday to discussing at his home the national need for preserving important information that was increasingly available only in highly perishable digital form. He proceeded to take the lead in creating the still ongoing National Digital Information and Infrastructure Preservation Program that has enabled the Library of Congress to work with 170 partner repositories throughout America to conserve immense amounts of digital material.

Ted Stevens rarely mentioned and never stressed his own role in any of these programs. He repeatedly and rightly credited the contributions of other colleagues and of the Congress itself. He was respectful and supportive of those in public service implementing these and many other long-range national programs.

At this sad time, all of us at the Library specially and gratefully remember his help in creating unique and challenging new programs within America's oldest federal cultural institution. I mourn the passing of a deeply admired friend. He was an unforgettable man of action and a dedicated public servant—not just for his beloved Alaska, but for all of America and our long-term future in a changing world.

Ms. MURKOWSKI. Mr. President, on the morning of Tuesday, August 10, in Alaska, in Washington, and around the world, time seemed to stand still. It was then we received word that a floatplane carrying our beloved Senator Ted Stevens had gone down in the remote Bristol Bay region of western Alaska. Senator Stevens traveled to that area, as he did practically each summer for decades, to pursue one of his dearest passions—fishing.

Along with Senator Stevens on that flight were several of his closest friends. Sean O'Keefe, the former Administrator of the National Aeronautics and Space Administration; Jim Morhard, who came to the Senate in 1983 as an aide to Senator Pete Wilson of California and retired in 2005 as chief of staff of the Senate Appropriations Committee; Bill Phillips, a distinguished Washington lawyer and former chief of staff to Senator Stevens was on the flight; as was Dana Tindall, one of

Alaska's best and brightest who made a career of bringing 21st century telecommunications technology to our vast territory. Three of their children were on the trip as well: Sean's son Kevin, Bill's son Willy, and Dana's daughter Corey. The pilot was Theron ''Terry'' Smith, an accomplished aviator who retired as chief pilot after 25 years with Alaska Airlines in Anchorage.

When it became apparent that the floatplane was overdue en route to a remote fishing camp, a massive search was quickly mobilized. The wreckage was located and, thankfully, there were survivors.

Sean and his son Kevin, Jim Morhard and Willy Phillips survived the crash. We pray for their swift and full recovery.

At the same time our hearts dropped at the news that the crash claimed the lives of Senator Stevens, Bill Phillips, Dana Tindall, her daughter Corey, and pilot Terry Smith.

At a later time I will have more to say about the distinguished careers of Bill Phillips, Dana Tindall, and Terry Smith, as well the lost promise of Corey Tindall, a champion debater at South High School in Anchorage and an aspiring doctor.

I will also have more to say about the heroes that responded to the crash site. That story begins with the Good Samaritan pilots who located the wreckage, Dr. Dani Bowman, and local first responders who were brought in by helicopter—they cared for the survivors and the dead in poor weather through a long night awaiting rescue—the elite Alaska National Guard and Coast Guard search and rescue teams that accomplished the rescue, the medical teams in Anchorage that tended to the survivors.

Today, I would like to devote a few moments in memory of my mentor, a man who stands tall among our Senate family as one of the truly great Senators of all time, my dear friend, Ted Stevens.

It would take days and days to enumerate all of Senator Stevens' accomplishments in this body over the course of 40 years. The Senate began the process of chronicling Senator Stevens' place in history in S. Res. 617, which was enacted on August 12. Our colleagues will fill in the details in the coming days.

Let me digress for a moment and extend my deepest appreciation, and that of the Stevens family, to our colleagues and the staff—all of those who pulled out the stops—to ensure that S. Res. 617 could be enacted during a brief lull in the recess. The resolution was presented to the Stevens family following the funeral in Anchorage. It was well received.

So how to summarize the remarkable career of Ted Stevens in a few moments. Ted Stevens was the longest serving Republican in the Senate's history. He served as President pro tempore and President pro tempore emeritus. He was the assistant Republican leader. At various points during his career he chaired the Appropriations Committee, the Committee on Commerce, Science and Transportation, the Committee on Governmental Affairs, the Committee on Rules and Administration, and the Senate Select Committee on Ethics. He was involved in numerous other leadership roles.

He was a dear, dear friend of our men and women in uniform. In the early 1970s he helped to bring an end to the draft and encouraged the All Volunteer military force. He worked diligently to ensure that service members were compensated fairly, that their benefits were not eroded, and that they received the best health care.

A family man always, he was deeply concerned about the length of time that service members were separated from their families. And when service members returned from Iraq and Afghanistan suffering from PTSD and TBI, he ensured that funds were shifted from lower defense priorities to address these immediate concerns. He used his key position on the Defense Appropriations Subcommittee to make this all happen.

During his more than 40 years in the Senate he traveled to visit with service members on the battlefield. He visited Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan. On those trips he spent time with those in the lowest ranks, asking whether they had the right equipment, how the food was, and how their families back home were coping.

Although he will long be remembered as a tireless advocate for the responsible development of Alaska's abundant natural resources, his friends and even his foes readily admit that he leaves a substantial conservation legacy. He was key to the compromise that led to the enactment of the Alaska National Interest Lands Conservation Act, a leader in fishery conservation through the Magnuson-Stevens Fishery Conservation and Management Act and the High Seas Driftnet Fisheries Enforcement Act.

He was a champion of the Olympic movement, a champion of physical fitness, a champion of amateur athletics. He played a significant role in ensuring that female athletes could compete on a level playing field with their male counterparts. He was one of the best friends public broadcasting could possibly have in Washington. He championed family friendly policies for America's civil servants. These are some of his legacies to the Nation.

But to many Alaskans he was known simply as ''Uncle Ted.'' And it was not just for the Federal dollars he brought to the State of Alaska, the energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools and other community facilities, although these were substantial.

The Almanac of American Politics observed, ''No other Senator fills so central a place in his state's public and economic life as Ted Stevens of Alaska; quite possibly no other Senator ever has.''

Truth be told, Ted Stevens was known as Uncle Ted because so many Alaskans viewed him as a friend of their own Alaskan families. Alaskans treasure the photographs and the letters that Senator Stevens sent them. Some of those photographs and letters were decades old, yet treasured keepsakes.

He gave Alaska's young people an opportunity to intern in Washington, inspiring many careers in public service. I am proud to be one of those interns. He hired many young Alaskans, once they graduated college, as junior staff members. He encouraged the best to go to law school and then brought them back as legislative assistants and committee staff. Many went on to accomplish great things in their chosen fields.

In the aftermath of Senator Stevens' death, hundreds upon hundreds of Alaskans lined the streets of Anchorage bearing signs that read, ''Thank you, Ted'' as his funeral procession drove by. Makeshift memorial services were conducted in Alaska's Native villages.

Why did Ted Stevens' loss shake Alaska so hard? The answer is simple. For generations of Alaskans he had been their Senator for life. Ted Stevens became Alaska's Senator less than 10 years after Alaska was admitted to statehood. I was 11 years old when he first came to the Senate.

In so many respects, his elevation to the Senate in 1968 was the culmination of a career of service to Alaska that began in the 1950s. It was, if you will, his second career of service to the people of Alaska.

Ted's first career began when he was named the U.S. attorney in Fairbanks. In a 2002 speech to the Alaska Federation of Natives, Ted recalled that this position gave him the opportunity to carry out President Eisenhower's commitment to equal rights for everyone. He traveled throughout the area requesting business owners to take down signs that read, ''No Natives Allowed.''

Ted then moved to Washington to serve as legislative counsel in the Interior Department. He played a key role in the enactment of the legislation that admitted Alaska as America's 49th State.

He helped draft that section of the Alaska Statehood Act which committed the Federal Government to the settlement of the Alaska Native land claims. After leaving the Interior Department he opened a law practice in Anchorage. Among his clients was the Native Village of Minto. The State of Alaska was about to select Minto's traditional lands in advance of a land claims settlement. Senator Stevens took on Minto's case pro bono. He invited Alaska Native leaders to his home to explore strategies for a more comprehensive settlement of Alaska Native land claims.

Ted Stevens could not have guessed at that point that he would join the U.S. Senate and have the opportunity to make the dreams of Alaska's Native peoples a reality.

That was the first order of business when Ted came to the Senate. He began work on the Alaska Native Claims Settlement Act in 1969 and on December 18, 1971, the dream that Alaska's Native people would hold title to their ancestral lands became a reality.

This December marks the 39th anniversary of the passage of the Alaska Native Claims Settlement Act—ANCSA. That landmark legislation returned some 44 million acres of land to Alaska's Native people and created the regional and village Alaska Native Corporations.

ANCSA led to a resurgence in Native pride and self-confidence. It gave our Native people unparalleled opportunities to lead. It has proven a valuable legacy for the continuation of Alaska Native culture through the generations.

Senator Stevens played a significant role in bringing Alaska's Native people together to create today's great institutions of Indian self-determination. The Alaska Native Tribal Health Consortium and the Southcentral Foundation, which together operate the Alaska Native Medical Center in Anchorage, are just two examples.

The Alaska Native Medical Center, Alaska's only certified level II trauma center, has earned national recognition for the quality of its nursing care. It is connected through innovative telemedicine technology to regional Native medical centers in rural Alaska and clinics at the village level. None of this would be possible without Senator Stevens' leadership.

Senator Stevens deplored the Third World conditions that stubbornly persisted in rural Alaska, threatening the health of Native children. He helped build showers and laundromats in rural Alaska—we call them washeterias—and he helped construct water and sewer facilities so that our Native people did not have to haul their waste to an open dump site. I am sad to say that this work is far from done. There is that last 25 percent or so that remains to be done.

It is often said that a society is judged by the way it treats its most vulnerable members. It is appropriate that we judge the character of our elected officials in the same manner. In Alaska, our Native people are the most vulnerable. For decades, Alaska's most vulnerable people have had no better friend than Ted Stevens.

As I noted in my response to Ted's farewell speech on November 20, 2008, ''When I think of all of the good things, the positive things that have come to Alaska in the past five decades I see the face and I see the hands of Ted Stevens in so many of them.''

Not just in rural Alaska but throughout Alaska I think of Senator Stevens whenever an F–22 takes flight from Elmendorf Air Force Base. I think of him when I drive through the front gate of Eielson Air Force Base, which was spared from the 2005 BRAC round largely through his leadership. His face is in the new VA Regional Clinic in Anchorage and in the Community Based Outpatient Clinic in the Mat-Su Valley. I think of Ted when I am fishing on the Kenai River and all of his efforts to help with conservation and restoration of this world class river. These are just a few of Senator Stevens' contributions to Alaska. There is so much more.

At the close of his farewell remarks to the Senate, our friend Ted, told us that he had two homes: ''One in this Chamber, the other his beloved State of Alaska.'' He closed his remarks with the phrase, ''I must leave one to return to the other.''

How prophetic. For on the afternoon of August 9, a cold and gloomy day, yet the kind of day when fishing is great, the Lord called our friend Ted Stevens from Alaska to yet a third home.

Ted's departure leaves a tremendous hole in the hearts of the people of Alaska, a hole in the collective hearts of his Senate family, and a hole in my heart that will take a long time to heal.

On behalf of a grateful Senate and a grateful American people, I extend condolences to Ted's wife Catherine; to his children Susan, Beth, Ted, Walter, Ben and Lily, and to all of the grandchildren.

As our friend, the late Senator Robert Byrd, knew and often recounted on the Senate floor—of all of the things that brought Ted Stevens joy, his family brought Ted the greatest of joys. In Ted's words, his family gave him the kind of love, support, and sacrifice which made his 40-year career in the Senate possible and gave it meaning. We thank Ted's family for sharing this remarkable man with Alaska, the Senate, and the Nation.

Thank you, Ted. We will never forget you.

Mr. LEAHY. Mr. President, for 34 years in the Senate it was my privilege and honor to serve alongside Senator Ted Stevens of Alaska. Today, I would like to pay tribute to Ted, a dedicated public servant, a respected lawmaker, and a man I was proud to call my friend.

Ted Stevens loved this country, and he dedicated nearly his entire life to public service. He served as a pilot in World War II, as a U.S. district attorney, as a senior member of the U.S. Interior Department, and as a U.S. Senator. Ted loved his State. In fact, he assisted in its birth as a State. During his more than four decades in the Senate, he was an unrelenting and unabashed advocate for Alaska and its people. I know no other Senator who has filled so central a role in their State's public and economic life as did Ted Stevens. He was a man many Alaskans knew simply as ''Uncle Ted.''

The fight for Alaskan statehood was Ted's principal work at the Department of the Interior, and, over time, he developed another appropriate nickname: ''Mr. Alaska.'' After leaving Interior, Ted returned to Alaska and was elected to the Alaska House of Representatives in 1964. In 1968 he was appointed to the U.S. Senate, and today he remains the longest serving Republican Senator in history.

In the Senate, he was a tough negotiator and a savvy legislator, but he was always fair. He was an old-school Senator, and he kept his word. During the challenging years after statehood, Ted helped transform Alaska, playing key roles shaping the State's economic and social development. A staunch defender of the Alaskan way of life, he championed legislation to protect the fishing industry, to build the Alaska oil pipeline, to protect millions of acres of wilderness area, and to address longstanding issues surrounding aboriginal land claims. While he and I have not agreed on some issues, I have never questioned his commitment to do what he believed was right for his State and its people.

I know it can sound repetitive when people hear Senators make remarks such as these about our colleagues. But I think it is important for the public to know that despite all the squabbling that goes on in Washington, there is the deep respect, affection, and caring that goes on among the Senate's Members, who work side by side and day by day on the Nation's business and on the concerns of their constituents.

I was last with Ted at Bob Byrd's funeral. I had asked him if he would sit with me because we had not seen each other for a while and it gave us a chance to get caught up. I told him again how much his friendship meant to me and how much I missed him in the Senate. We talked about the number of pieces of legislation we had worked on together and both spoke of Ted being part of the old school of Senators—those who always stuck with agreements they had made and our concern that was not the way some were today. It was a sad day being at a memorial service, but it was a special day being with Ted.

Ted was a statesman, a public servant, and one of my closest friends in the Senate. I consider myself fortunate to have known him and served with him.

Marcelle and I wish Catherine and all his family our best wishes.

Mr. BUNNING. Mr. President, today I rise to pay tribute to Senator Ted Stevens, who will be laid to rest today at Arlington National Cemetery. Unfortunately, Senator Stevens was taken from us on August 9 of this year, but his legacy will live on through the countless lives he touched during his distinguished career in public service.

Senator Stevens will be missed by so many because of the tenacity he displayed fighting for his beliefs. This began when he volunteered for the Army Air Corps during World War II, where he supplied Chinese forces as

they defended their country from Japanese invasion. For his heroism, Ted Stevens received the Distinguished Flying Cross and the Air Medal.

Senator Stevens took this same tenacity to the Senate where he served the people of Alaska for over 40 years. It is largely because of Senator Stevens that many Alaskans gained access to clean drinking water and their children received a quality education. Finally, Senator Stevens fought to create an oil pipeline that put thousands of Alaskans to work and provided affordable energy for this Nation. These accomplishments are just a sample of the many issues that Senator Stevens championed during his long career.

By the time I came to the Senate in 1998, I knew Ted Stevens was an outstanding legislator, but over the next 10 years, I learned so much more that defined his character. I found that Ted Stevens was one of the most sincere members of this Chamber. No matter what the issue, I could always count on Senator Stevens to speak with frankness and honesty, two traits that are sorely lacking in the modern Senate.

I also learned that despite his dedication to the Senate, he always put family first. Senator Stevens was the father to six children, and although there is over 4,000 miles that separates Alaska from our Nation's Capital, he always made time for his wife and children. I realize my words are little consolation to his wife Catherine or the rest of his family, but I hope they know Mary and I are grieving with them as they cope with the loss of this model family man.

The Senate was blessed to have Ted Stevens as one of its Members. His countless accomplishments guarantee him a prominent place in the pantheon of American history. I was fortunate to have him as my colleague for over 10 years, but even luckier to have him as a friend.

Mr. BOND. Mr. President, today, I rise to pay tribute to not only a giant of the Senate, a hero to Alaska, and a war hero, but also someone I counted among my valued friends, and a true mentor—Ted Stevens.

When I first heard the news about Ted's death, I was shocked and saddened. Today, the loss of my dear friend is no easier to bear, and I know many of my colleagues here feel the same.

Later today, we will lay to rest this giant of the Senate, but I first want to say a few words about my friend Ted.

Much has been said about Senator Stevens' sometimes grouchy and intimidating demeanor. But if you took the time to look past the Hulk ties, the scowling countenance, the vigorous defense of any and all attacks on Alaskan priorities, and the cowed staff who feared they had fallen on the wrong side of the esteemed senior Senator, you saw another more compassionate—some would even say softer side.

I was a lucky beneficiary of that softer side, which changed the course of my time here in Washington.

When I first arrived in Washington, DC, in 1987, my son was entering first grade at the same time as Ted's beloved daughter. Sam and Lily became fast friends, and, lucky for me, so did their parents.

Over the years, Ted and Catherine were very close friends of ours and like godparents to Sam.

Anyone who knew Ted well knew how important his family was and the high value he placed on his children and their friends. He was truly a most kind, gentle, and readily approachable father, uncle, and godfather.

His concern about others' children and family members was equally heartfelt. As he exercised his many leadership roles, Senator Stevens' was always willing to take our family obligations into account. He realized how important it is to schedule time for our families in the chaotic, hectic life we lead in the Senate.

In addition to the close personal friendship I enjoyed with the Stevens family, I had the opportunity to work closely with Chairman Stevens as a member of the Senate Appropriations Committee. As chairman, Ted was solicitous of the concerns of even his most junior members. He was also a devoted friend of his partner—sometimes ranking member and sometimes chairman—Senator DAN INOUYE.

Ted was a very passionate defender of the Appropriations Committee, its prerogatives, and its responsibilities. Woe unto the person who attacked the appropriations process or the work that he had done. We could use more of that wisdom around here today.

As former President pro tempore and the longest serving Republican Member of the U.S. Senate in our country's 230-year history, Ted was a faithful and dedicated leader of the Senate.

But Senator Stevens' influence extended far beyond the Senate to Alaska, the Nation and the world.

Many of the accomplishments of the Senate over the last 4 decades bear the mark of Ted Stevens.

As a war hero himself, Ted was tireless in his leadership to secure a strong military—and funded a strong personnel system, the most needed, up-to-date equipment and the most promising research. The current strength and superiority of the U.S. Armed Forces is due in no small part to Senator Stevens.

He was a leader in the natural resources, transportation issues, and climate change issues important to all of America but that particularly affect his home State.

Ted was passionate about Alaska—its natural beauty, its people, its needs, and its fishing. Many of us have enjoyed traveling to Alaska with Senator Stevens and discovering firsthand the treasures it has to offer.

The many roads, parks, and buildings named for him are but a hint of all he has done for the State. His contributions are extensive and lasting, from improving the infrastructure to safeguarding the wildlife and natural resources Alaska has in abundance.

Alaskans rightly dubbed the Senator the ''Alaskan of the Twentieth Century.''

It was a tremendous honor and privilege to serve with Ted Stevens.

Mr. SHELBY. Mr. President, I rise today to pay tribute to our colleague, our friend, and a great statesman, Senator Ted Stevens.

It is a somber day in the Senate Chamber as we continue to mourn his loss.

Senator Stevens' service to our Nation began during his military service during World War II as a ''Flying Tiger,'' and spanned six decades.

During his 41 years in the Senate, Senator Stevens has been chairman of four full committees and two select committees, assistant Republican whip, and the President pro tempore Emeritus.

As one of the most effective Senators, Senator Stevens was an ardent supporter of our national defense, serving as either Chairman or Ranking Member of the Defense Appropriations Subcommittee from 1980 to 2005. A champion of our Armed Forces, he ensured that our servicemembers have the equipment, training, and pay necessary to be prepared to take on those who threaten our national security.

Senator Stevens was not only my distinguished colleague but someone I considered a friend. He was a man of purpose whose life touched all those with whom he came in contact. His commitment to the people of Alaska was remarkable, making him a legendary advocate for the State. No one has done more for Alaska than he did. His many contributions to both Alaska and our Nation will not soon be forgotten.

He will be remembered as a dedicated American, World War II warrior, a public servant, and the quintessential American statesman who gave so much of his life in service to the Nation.

I offer my thoughts and prayers his family and friends during this difficult time.

Mr. CHAMBLISS. Mr. President, I rise today to honor the life and commitment of Senator Ted Stevens to the State of Alaska and to our Nation.

As we all know, Ted joined the military at a young age and served his country with honor in World War II.

He earned his Army Air Corps wings in 1944 and served in World War II as a member of the Flying Tigers, for which he received the Distinguished Flying Cross.

Two friends of mine from Georgia who served with the Flying Tigers knew Ted during those days. When they shared with me stories of those times, they always spoke fondly of Ted.

Several years ago, I attended a funeral of a family member of one of our Senate colleagues on the west coast. A few other Senators were in attendance, but not many. One of those nights we stayed up late and started talking

about life, and Ted told us he always attended the funerals of colleagues and their loved ones because when his first wife was tragically killed in a plane crash, those colleagues who took the effort to make the trip up to Alaska to attend her funeral meant so much to him.

That is the type of person Ted was—he was loyal to the State of Alaska, his Nation, and to his colleagues.

Ted and I also worked closely on defense issues and he was a good ally to have in those battles.

He was a good friend and an esteemed colleague who served with distinction in the Senate.

Ted will be remembered for his passion and his many, many years of service to his constituents.

Mr. LEVIN. Mr. President, today one of the most enduring figures in this Nation's political history and the history of this Chamber will be laid to rest at Arlington National Cemetery. For more than half a century, it was almost impossible to discuss the State of Alaska without discussing Theodore Fulton ''Ted'' Stevens.

Like many, Ted Stevens came to Alaska from elsewhere, searching for opportunity to serve. Few succeed as well as he did. He was named a Federal prosecutor just months after he arrived in Alaska in 1953—meaning his public service to Alaska predated its statehood. He was a key figure in the drive for statehood. He served in the State legislature before coming to this Chamber in 1968.

Over the next four decades, he became one of the most influential Senators of the 20th century. Alaska was a young State with a small population, but that did not stop Ted Stevens from advocating forcefully and effectively on his State's behalf. He became the longest serving Republican in the history of the Senate, and the State he fought for became a huge beneficiary of his service.

He was a World War II veteran and a devoted family man. History will remember him as one of those present at the founding of Alaskan statehood and a longtime servant of the State. Barbara and I know that the memory of Ted Stevens' long and full life will relieve the sadness of his family, his constituents, and his multitude of friends at his passing.

Mr. ROBERTS. Mr. President, I have just returned from the interment services for our colleague and our friend, the Senator from Alaska, Ted Stevens.

I must say it should be pointed out that our Chaplain, Chaplain Black, gave a marvelous eulogy during the graveside services that was poignant, elegant, and I know in regard to helping the family with solace and poignancy, he had no equal. He simply was absolutely marvelous. He described Ted Stevens as a ''force of nature''—which I think was a rather appropriate description, depending on your description of a force of nature—and as a person who always made him laugh. Well, it is difficult to try to figure out how to eulogize a person of Ted's stature, someone who has done so many different things. So you have to sort of segment, it seems to me, your own personal relationship with Ted and do the best you can to grasp this unusual man and describe him.

I was a Member of the House when I first met Ted Stevens. It was at a Republican retreat years ago. In expressing his opinion, he was obstreperous, if not outrageous, regardless of any other person's point of view. To say he was both unique and memorable is an understatement—a force of nature, indeed, perhaps a wandering tornado, if you will, with a poststorm rainbow of ideas.

I came to the Senate back in 1996. It didn't take long for Ted Stevens to burst into my—up to that point—relatively routine senatorial life. He jabbed his finger on my chest and said, ''I know who you are.'' I responded, ''Well, I sure as hell know who you are.'' He said, ''You allegedly know something about agriculture.'' I said, ''Well, thank you,'' and he interrupted and said, ''You serve on Armed Services and Intelligence?'' I said, ''That's right.'' He said, ''How would you like to go to the Russian Far East with me and Danny and some others?''

I thought to myself, Why on Earth would I want to go to the Russian Far East?

He said, ''We are going to Khabarovsk, and then we are going to Vladivostok.'' But that's out there where the Cossacks went over the steppes of Russia. ''Then we are going to meet with the admiral of the Russian navy, and Vladivostok is closer to Alaska than to Moscow. I know him,'' said Ted. ''Then we are going to go to South Korea to indicate our strong support. But then we are going to be the first delegation allowed into North Korea, Pyongyang.''

Well, that got my attention. He said, ''That is why I need to have you come along, because if we can arrange a third-party grain sale, there are things that we can do in North Korea to at least establish a relationship.''

I thought, what a unique idea, using agriculture as a tool for peace, if you will—or at least a fulcrum to change the relationship with North Korea. I said, ''Well, sure, I will sign up.''

That began a personal and meaningful relationship with Ted and Catherine and their family with Franki and our family that lasted during the duration of my career in the Senate until his untimely death weeks ago.

He said, ''I understand that you are a newspaper guy.'' I said, ''Yes, and?'' He said, ''You could be the scribe in regard to our CODEL.'' I might add that any CODEL you went on with Ted Stevens, you always had a T-shirt afterward saying: ''I survived CODEL Stevens.'' You could—and I did—end up at the South Pole. So I was known as the Stevens CODEL scribe.

In any case, we went to Khabarovsk and Vladivostok. We talked to that admiral, who felt closer to Ted Stevens than he did his own Russian Government, and we went to Sakhalin Island. Ted was trying to work out some kind of arrangement where American oil companies could explore and develop the tremendous oil reserves there and have a contract that meant something with Russia. It was there that Flying Tiger Ted learned about saber-toothed tigers that were allegedly actually still alive in that part of the world. It is a wonder he didn't schedule a hunting trip.

Then we went to South Korea and eventually into North Korea, and it was the first delegation allowed into that theocratic time warp. We left everything on the plane. We stayed at an alleged VIP headquarters—no heat, very cold, just North Korean TV with 24/7 military parades and martial music.

That night the discussion had gone on and on and on. We had hoped to meet with Kim Jong Il. That was not possible, so he sent two of his propaganda puppets to meet with us. We had permission from the Treasury to waive certain requirements so that we could arrange for a third-party grain sale to assist North Korea, which goes through a famine every harvesting year. It would have been at least a start.

So you had Ted and DANNY INOUYE, two World War II veterans, who told the North Korean delegation it was time to make Panmunjon a tourist attraction. Ted finally had it and said, ''Knock off the BS. I know you understand English. Let's get to the bottom line.'' The bottom line was that they could not do anything in terms of policy. They were there to make an intelligence estimate, and it was a lost opportunity at that particular time. The leadership effort by Ted Stevens didn't pan out, but not for the lack of trying.

On another CODEL we landed at 11 and got to the hotel at about midnight. Ted was a great connoisseur of military history and movies. He was a great devotee of the series ''Band of Brothers.'' So we were playing Band of Brothers to staff and to all present. This is at 12:30 at night, going on to 1, 1:30. We had fought and died with episode five; we were going to episode six. I looked around, and all the loyal staff were asleep; all Members were still there and were asleep. I was having a hard time keeping my eyes open. I looked over at the great man, and his eyes were closed. I thought he was asleep, so I got up and started to turn off the television. As I reached for the power button, he said, ''This next part is the best part.'' He was not watching it; he was listening to it because he had seen it at least three times. Well, needless to say, we saw episode six in its entirety. Thank the Lord, we didn't go to episode seven. We would have been there all night.

Some years ago, I was present for the ceremonies in Alaska when Ted was named the ''Alaskan of the Century.'' How on Earth could a sitting Senator,

or anybody, get overwhelming citizen support and approval and accolades from his State and be named ''Alaskan of the Century''? Ted did. I was there to allegedly roast him. There was a great crowd. Facts and records are stubborn things. He was and is still today the ''Alaskan of the Century.'' What he did and what he accomplished in the making of our 49th State was simply remarkable. By the way, the Federal Government still has not made good on many promises they made to Ted when he worked so hard and diligently to make Alaska a State.

At any rate, he flew in, during that ceremony, on a World War II plane. He had his combat jacket. He came in with Catherine and they took their places on very posh chairs. I will quote what he said time and time again to the people of Alaska: ''The hell with politics; let's do what's good for Alaska.''

I will add this: The country and our national defense and every man and woman in uniform owe this man a great debt.

When you come to this body and you come to public service, you know you risk your ideas, your thoughts, your hopes, and your dreams before the crowd. Sometimes the crowd says yes, and you have friends who will stand behind you when you are taking the bows. Then perhaps something happens in your life and you suddenly become a lightning rod for accusations; you wonder where your friends are, who will stand beside you when you are taking the boos, not the bows. The lightning rod was fast, furious, and egregious, especially considering the man, his accomplishments, and integrity.

In Washington, when there is crisis and chaos and big-time problems, many are called but few are chosen. When the chips were on the table, we chose Ted. As chairman of the Senate Appropriations Committee, he headed up the posse that decided the Nation's spending priorities. What a tough job. It was a tough job then, and it is even tougher today. But he did a heck of a job. For, you see, Members of Congress are a lot like someone suffering from the flu, an insatiable appetite on one end and no sense of responsibility on the other.

They said: Ted, Ted, I know we have to meet our budget caps, but this program is really important to me. My program is an investment, not a cost.

Somehow, someway, the chairman has to wade through all of the demands of his colleagues, try to meet the ever changing and growing needs of our Nation at an unprecedented time of economic challenge, and through all of it, then he must fulfill our obligations to guarantee our national security and to the many entitlement programs we are very reluctant to reform in this body and the other body and to which we Americans seem to think we are entitled. It is like herding cats, big cats with saber teeth, just like those up on Sakhalin Island. In the doing of this, Ted Stevens was surrounded by many colleagues good at proposing more spending on existing programs and new programs to boot and those who look at any spending increase with a gleam in their eye and the tools of a stonecutter.

There are few, however, who can measure value, and that is what Ted did. Just at the time he thought he could make both ends meet in behalf of Alaska and our Nation, someone moved the chains. To his critics—and there were many—the old saying ''a penny for your thoughts'' may be a fair evaluation of their contribution. The wheels of progress are seldom turned by cranks, critics, or, in Ted's case, a howling pack of wolves.

Today, both political parties are having trouble looking beyond their ideological fences. Ted Stevens was a bipartisan fence-mender while riding herd on all of the strays. How on Earth did he do this? How did he persevere throughout an ordeal that would have best the best of men?

Abraham Lincoln defined duty in this way:

> I do the very best I know how, the very best I can, and I mean to keep doing so until the end. If the end brings me out all right, what is said against me will not amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.

During Ted's memorial service in his beloved Alaska, Vice President BIDEN's tribute was truly eloquent, personal, and pertinent. Others spoke with equal meaning. But it was Senator DANNY INOUYE, his best friend, who brought thousands to their feet at this service, clapping for minutes when he said: ''We all knew he was innocent.'' So did 10 angels and those who knew him best, and I think Ted heard them both.

Thank you, Catherine and Ted's family, for sharing him with us, and, as Vice President BIDEN said so well, we will not see the likes of him again.

Mr. CONRAD. Mr. President, I want to take a few minutes today to recognize our late colleague, Senator Ted Stevens.

Ted Stevens was a fighter. He fought for his State and his country every day here in the U.S. Senate. As a former military pilot and recipient of the Distinguished Flying Cross, Senator Stevens was a champion for the military here in the Senate. And he fought for the prerogatives of this institution, sometimes taking on politically unpopular causes to make the Senate stronger.

All of my colleagues will remember when Ted Stevens managed legislation. He would put on his ''Incredible Hulk'' tie, his best scowl to deter Members from offering amendments, and dare anyone to get in the way of passing his bills.

Ted knew Alaska inside and out, and he did everything he could to make his State a better place for future generations of Alaskans. He recognized that in isolated, rural States the Federal Government was sometimes the only entity capable of truly transforming the lives of individuals and the prosperity of communities.

And he recognized that other states sometimes faced similar circumstances.

I will never forget the role Ted Stevens played during the Grand Forks flooding of 1997. The Red River overtopped the levee that year and covered most of the city, including all of downtown. And the flooding caused a major fire in the historic downtown, further devastating the community. At the time, the evacuation of Grand Forks was the largest evacuation of a city since the Civil War.

In the aftermath, the city could have accepted a diminished future. It could have watched people leave and reemerged as a shadow of its former self. But it did not. The city's leaders pledged to rebuild. And the North Dakota delegation went to work here in the Congress to secure Federal assistance to help make that vision a reality. We quickly concluded that community development block grant funding would be the best source of assistance because CDBG money is very flexible and could be used to meet the city's highest priority needs. Unfortunately, the Appropriations Subcommittee chairman at the time was adamantly opposed. He simply refused to support the level of CDBG funding we badly needed.

Normally, that might have been the end of the story. But in this case, Ted Stevens, the full Appropriations Committee chairman, intervened. He saw that Federal funding was absolutely critical for the community to rebuild. I think maybe he saw a city in North Dakota that needed funding just as badly as many of his Alaska communities needed Federal funding to build a brighter tomorrow. And he overruled his subcommittee chairman and made sure that Grand Forks got the CDBG funding it needed.

The results have been spectacular. Grand Forks did rebuild bigger and better than ever. When some say that Federal spending is wasteful, Grand Forks is a tremendous example of how the Federal Government can make things better.

So it was with profound sorrow that I learned last month that Ted Stevens had died in a plane crash on a fishing trip in his beloved State. His country owes him thanks for his long service to his Nation, both in the military and here in the Congress. The State of North Dakota and the city of Grand Forks owe him thanks for his role in bringing needed funding to projects all across our State.

Lucy and I send our deepest condolences to his wife Catherine, his family, and his friends. Ted was one of a kind. We will miss him.

Mr. COCHRAN. Mr. President, today at Arlington National Cemetery the final resting place for so many national heroes, the burial service of our friend and former distinguished colleague, Ted Stevens of Alaska, was attended by

a large number of friends. It was my honor and privilege to serve as a Member of the Senate with Ted Stevens. From him I learned the importance of hard work and seriousness of purpose that characterized his exemplary service in this body.

He was energetic and tenacious, and he used those assets to accomplish so much for the people of his State. His quick wit and capacity for hard work were formidable assets that enabled him to get things done for his country and his fellow citizens of Alaska.

It was a special pleasure to visit Alaska with him and especially to participate in his annual Kenai River fishing tournament which raised money for the preservation of that river and the unique beauty of its river basin.

Alaska and our Nation have lost a great leader and a true patriot, and I have lost a highly valued friend.

Mr. BROWNBACK. Mr. President, it wasn't an hour ago that we saw the lofty formation of four jets flying in formation over the burial site of Ted Stevens. Then, just as it passes over the site, one of the jets heads up, breaks formation, and heads into the sky above the others. It is such a memorable moment. I have seen this now twice, this formation. It is so memorable for me on this particular occasion because it is about a man who is so memorable.

Senator Ted Stevens served in this body for many years and is ''Mr. Alaska'' to this Nation's Capital and to many of the people in his home State. He is one of those soaring, towering figures who served in this body. He died at age 86 in a tragic accident, but he leaves a memory and a legacy that won't be forgotten.

One of the things I find so endearing about the memory of Ted Stevens is his tenacity in his work and his belief in the body. This guy would fight tirelessly for his State, for his beliefs, and for this body. He did it for a lengthy period of time through a number of different administrations and was an institution in and of his own right in what he did. I know the Presiding Officer, who works in this body and has served in this body, is someone who remembers Ted Stevens similarly.

I didn't realize some of the other aspects the Chaplain of the Senate talked about. There were about 6 years when Ted was President pro tempore of the Senate, so he would open the Senate every day. He would open the Senate, pledge allegiance to the flag, and then came the prayer. Senator Stevens at that time would go to the Chaplain and say: Let's bring up the prayer pressure, Chaplain—really urging him and us forward and to do things better and better for this country. It is a marvelous legacy to think about and to know about.

One of the beauties of serving in this body—and this is my last year in this body—is the people you get to meet and get to know. One thing that is always so striking to me is that while we deal with policy issues all the time, it is the people whom you touch who are so important and so critical. I think too often we look at it as a policy debate when I think we really should be looking at people's relationships. I say that from the standpoint that we need to be better in working together.

Ted Stevens had a beautiful relationship with Chairman INOUYE across the aisle in the Appropriations Committee. It is often those relationships that get things done. People lament in leaving this body that it has gotten less civil, it is this or it is that. My analysis is that it has gotten less relational, and that is the real problem, is that people don't have relationships across the aisle with people whom they talk with and with whom they are friends. They disagree. They disagree on a lot of different things. They disagree probably on most things that are voted on. Yet when it comes to the end of the day and we have to get something moving and done, it is that relationship of trust and that here is a person who is a friend that you can work with is what counts. I think that is what we really need to look at much more, the relational needs. It is not something you can artificially do. It is something that has to take place over a period of time. It is something that has to take place over probably a period of a series of projects where, after a period of time, you say, you know, this is a person whom I can work with, whom I relate well with, and whom I trust. I think it is that trust that gets things done at the end of the day. It is that sort of thing you could often see in Ted Stevens.

Whenever Ted Stevens gave his word, you knew it was going to happen. If he had any way of doing it, it would be according to what he said. I had a friend of mine who once said that when a man breaks his word, it breaks the man. You could look at Ted Stevens and the guy was consistent; if he said he was going to do something, it was something he would stand with, and that is a good trait.

I bring these memories of Ted to the floor at a time when we have just witnessed the jet fly up toward the sky in memory of Ted Stevens and of his spirit and of his relational nature that he had within this body, with people he knew and who knew him, who trusted him and whom he trusted. I really commemorate that way of service, that time of service. I also commend to Members continuing in this body that we be a lot more relational and intentional about relating to one another so that we really look for those chances to do that.

God bless you, Ted Stevens.

Our thoughts and prayers go out to his family and to the survivors, certainly, of that terrible plane crash that took Senator Stevens.

Mr. REED. Mr. President, this afternoon at Arlington National Cemetery, this Nation laid to rest a great American, a great patriot, an extraordinary Senator, Ted Stevens.

I had the privilege of serving with Senator Stevens for 13 years. In that time, he impressed not only myself but everyone with his deep commitment to his State of Alaska, to the Nation and, in particular, to the men and women of the Armed Forces.

Ted Stevens began his commitment to service above self at the age of 19, when he joined the U.S. Army Air Corps. He became a pilot and at age 20 received his wings. Then he was deployed to the China-Burma-India theater, where he undertook some of the most dangerous missions any pilot had to face in World War II. He flew over the Hump. He flew supplies to Chinese nationalist forces, and he would frequently fly behind enemy lines to deliver his precious cargo and to keep that fight going. They would fly at night, and they would have to muffle the flights—their engines—to avoid detection by the Japanese. They would land and camouflage the planes, because they were in enemy territory, and then they would take another dangerous flight out in the evening—to return again and again. That kind of sacrifice and service and courage is remarkable.

Also, typical of Ted Stevens, it was not something he boasted and bragged about a lot. He just did it. That was one of the great strengths of Ted Stevens. He just did things he thought were right.

When he returned to the United States, he attended college. He went off to Harvard Law School and became a lawyer. Although he had midwestern roots, he saw his future in the great State of Alaska. He packed up and went to Alaska, and Alaska changed him, but I suspect he changed Alaska more. One of the things I believe he felt very strongly about, having seen the great effort of World War II, having seen citizens come together from across this land from different communities, different ethnicities and races, to forge a unified effort to do a great thing, he was convinced that government could make a positive and important contribution to the life of his community in Alaska. He worked very hard. He worked hard to build roads, to build bridges, to literally bring together the people of Alaska. He supported consistently and enthusiastically the military forces—not just there but across the globe. He too served, and he knew what these men and women were doing and how important it was.

Something also struck me, too, while I was at the services today. A gentlemen from New England came up to me and said, ''Hi, Senator.'' I wondered why he would be there. He was involved in the fishing industry in New England, and he appreciated what Senator Ted Stevens did for the fishing industry in Alaska, because he extended some of the same help to us in the Northeast. That was another thing about him. If he thought it was important enough for his constituents, he equally felt it

was important for all people. He helped all of our constituents, and he would do it in a positive way.

I always found Ted Stevens to be somebody who was clear on where he stood. If he was with you, you didn't have to worry. If he was against you, you should worry. But he was consistent and honest. He represented the values we all appreciate—candor, honesty, and decency.

Today, America has laid to rest a great patriot. To his family, our deepest condolences. But what he has done—and not just for the people of Alaska but for all of us—has left an example of patriotism, of diligence, of hard work, and of commitment to this Senate, which will sustain and inspire us in the difficult days ahead. For that, I thank him.

Mr. AKAKA. Mr. President, I rise to pay tribute to Senator Ted Stevens, a great American.

Senator Stevens cared deeply for the people of Alaska, and all the people of the United States of America.

He dedicated his career to the security and well being of this country, from his early days as an Army Air Corps pilot in World War II where he served multiple deployments across several continents, through his long career here in the U.S. Senate, as the longest serving Republican in the history of this institution.

Ted Stevens was a brother and a dear friend. We were ohana, family. We worked together on so many issues to serve the needs of our noncontiguous States.

Senator Stevens knew well the unique challenges both Alaska and Hawaii face, as the newest States, farthest from the U.S. mainland.

Ted Stevens' love of Alaska is well known. But many people do not know Ted was actually a great surfer, and he was a frequent visitor to Hawaii. He loved to surf Kaimana Hila, Diamond Head, and Waikiki.

When his surfing days were over, he brought his favorite surfboard here to Washington and displayed it in his Senate office, alongside the many treasures from Alaska. Ted loved Hawaiian music and song, and I enjoyed singing with him.

Ted Stevens was a friend of America's first people. He constantly reminded the United States of its responsibility to its indigenous people in Alaska, Hawaii, and across the country.

While the people of Alaska will always remember him, visitors to our Nation's Capitol will also be reminded of Ted Stevens' work. Together we were successful in moving the 1965 model of the Statue of Freedom out of storage and into its prominent place today in the Capitol Visitor Center Emancipation Hall.

Ted Stevens brought strength and passion to the Senate for many decades. He was a constant presence in this institution.

My wife Millie and I send our warm aloha and deepest condolences to Catherine and all of Ted's family. I also want to extend my condolences to Senator Stevens' staff who worked tirelessly for him and for all of Alaska for so many years.

Aloha, farewell to Senator Ted Stevens.

Mr. WICKER. Mr. President, I rise this evening, as so many colleagues have done, to pay tribute to and remember one of the Senate's most enduring Members, the late Senator Ted Stevens of Alaska, who was buried today. For 40 years, Senator Stevens represented the people of Alaska in this body with zeal, with dignity, with intellect, and with strength.

Ted Stevens came in a small package, but he was indeed a giant—a giant for Alaska and for the Senate. He helped to chart a course for America's 49th State and our entire Nation through his vigorous dedication and passion. As one of the earliest proponents of statehood for Alaska, Ted Stevens' legacy remains intertwined with Alaska's development. His pride in Alaska was unmatched.

Fighting on behalf of Alaska, Senator Stevens was instrumental in developing America's energy policy and highlighting the incredible natural resources available in our own country. He saw the danger posed by a lack of energy security for this country, and drawing on Alaska's vast resources, he tirelessly advocated American energy independence. His work, including the Trans-Alaskan Pipeline Authorization Act of 1973, created good jobs for Alaskans and helped supply the power America desperately requires to fuel our economic growth.

A true American patriot who was concerned about U.S. security, Senator Stevens was determined that we maintain the ability to stand alone, if necessary, against the international forces of evil that plot our destruction. When it came to national defense, Ted Stevens demonstrated his commitment at an early age, long before his days in the Senate. I once heard Ted refer to the men and women of today's Armed Forces as ''the next greatest generation.'' He truly knew whereof he spoke. At 19 years of age, he enlisted in the Army Air Corps, during one of the darkest periods in American history. Having seen combat, Ted Stevens knew what service, valor, and bravery meant, and he saw that in the courageous men and women admirably serving now.

Retired Air Force COL Walter J. Boyne wrote a tribute to Senator Stevens that appeared in the Washington Post on August 11. I will quote excerpts from Colonel Boyne's memorable piece:

At age 20, Lt. Stevens flew twin-engine transports ''over the Hump,'' carrying vital supplies from bases in India to the Chinese armies resisting Japan. On these often-unaccompanied missions, he had crossed the Himalayas; in Asia, the mountains were higher than in Alaska, the weather worse, and there was always the threat of a Japanese fighter plane showing up to dispute the passage.

Boyne continues:

Young Lt. Stevens was probably disappointed to find himself in the cockpit of a transport plane. He had completed flying school at Douglas, Ariz., earning his wings by May 1944, and probably expected to be assigned to Lockheed P–38 fighters. The urgent requirement for transports dictated otherwise, however, and he was assigned to the 322nd Troop Carrier Squadron, part of the 14th Air Force commanded by Gen. Claire Chennault.

Boyne writes:

While the route over the Himalayas demanded piloting skill and endurance, Stevens also flew many missions within the interior of China, some going behind Japanese lines, bringing supplies in direct support of Chinese troops.

For his service, Stevens received two Distinguished Flying Crosses, which Boyne points out ''can be awarded to any member of the U.S. armed forces who distinguishes him or herself by 'heroism or extraordinary achievement while participating in aerial flight.' ''

I ask unanimous consent that the entire article be printed in the RECORD.

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

[From The Washington Post, Aug. 11, 2010]

TED STEVENS: A FLIER WHO FACED THE RISKS

(By Walter J. Boyne)

The crash of a famed ''bush'' aircraft, the de Havilland DHC–3T Otter, near Aleknagik, Alaska, that killed former U.S. senator Ted Stevens, 86, on Monday brought to a close a life filled with the dangers of flying. Before Stevens began the career in elected politics that culminated in 40 years in the Senate, he left college to serve in the U.S. Army Air Corps in World War II. And in 1978, Stevens survived the crash of a Learjet at the Anchorage airport in which his wife, Ann, was killed.

Stevens had long accepted the hazards of flight in Alaska as being part of the political scene. Doubtless he was one of the few people who could fly over the state's rugged terrain with serene confidence. He had often flown over far more hostile territory during World War II.

At age 20, Lt. Stevens flew twin-engine transports ''over the Hump,'' carrying vital supplies from bases in India to the Chinese armies resisting Japan. On these often-unaccompanied missions he had crossed the Himalayas; in Asia, the mountains were higher than in Alaska, the weather worse, and there was always the threat of a Japanese fighter plane showing up to dispute the passage. For his dedication and heroism flying the Hump and other flights behind Japanese lines, Stevens was awarded the fourth-highest federal medal, the Distinguished Flying Cross (DFC).

The ''Hump'' route had a more sinister nickname: the ''Aluminum Trail,'' for all the aircraft wreckage that glinted brightly when the sun made its rare appearances. American pilots began flying the 530-mile route in 1942, taking off from bases in India and Burma. In October that year, all of the transport units operating in the theater were brought into the 10th Air Force, by direct order of Gen. Henry H. Arnold, chief of staff of the U.S. Army Air Forces.

The Douglas C–47 aircraft that were initially used strained to reach and maintain the altitudes necessary to clear the Himalayas. When the larger, more powerful (but more difficult to fly) Curtiss C–46 was introduced to the 322nd in September 1944, it

allowed slightly more margin for error. Yet the route took its toll: At least 600 aircraft and more than 1,000 lives were lost in the three years it was used. In 1945, airlift needs ended when the Burma Road, from Lashio, India, to Kunming, China, was reopened.

Young Lt. Stevens was probably disappointed to find himself in the cockpit of a transport plane. He had completed flying school at Douglas, Ariz., earning his wings by May 1944, and probably expected to be assigned to Lockheed P–38 fighters. The urgent requirement for transports dictated otherwise, however, and he was assigned to the 322nd Troop Carrier Squadron, now part of the 14th Air Force commanded by Gen. Claire Chennault.

The unit was based primarily at Kunming, the original home of Chennault's famous American Volunteer Group, the Flying Tigers. The 322nd was equipped with the C–47 ''Skytrain,'' which came to be known as the ''Gooney Bird.'' The C–47 had been derived from the revolutionary Douglas DC–3 transport and was used by the armed services until the 1970s.

In September 1944, Stevens later recalled, he transitioned into the C–46, which after initial (and too often fatal) troubles with its Curtiss Electric propellers, turned into an aerial workhorse that substantially increased the capacity of the 322nd to move supplies.

While the route over the Himalayas demanded piloting skill and endurance, Stevens also flew many missions within the interior of China, some going behind Japanese lines, bringing supplies in direct support of Chinese troops. Stevens often had to land at tiny camouflaged airports, some with primitive crushed-stone runways that were narrower than the wingspan of his plane. He flew throughout Indochina, over what is now Laos, Cambodia and Vietnam, and even made flights into Mongolia. The 322nd was also tasked with bringing vital supplies to the small American fighter bases that had sprung up far from road or rail traffic.

On one 1945 trip to Beijing (then Peking), Stevens encountered bad weather, and there was no local ground control to assist him. He improvised a non-precision approach using the local radio station and his plane's radio direction equipment. After the war, he returned and found that the approach he had devised was still being used.

The Distinguished Flying Cross, first awarded in 1927 to Charles Lindbergh, can be awarded to any member of the U.S. armed forces who distinguishes him or herself by ''heroism or extraordinary achievement while participating in aerial flight.'' While Stevens was also awarded the Air Medal and the Yuan Hai medal by the Chinese Nationalist government, he surely must have been most proud of his DFC.

Mr. WICKER. Only 3 years before Senator Stevens earned his wings, Pilot Officer John Gillespie Magee, Jr., of the Royal Canadian Air Force composed a poem after being struck by the sheer wonder of flying a test flight at 30,000 feet. This poem was sent home to John Magee's parents just a few days before his death. It is entitled ''High Flight.''

I will close with those words in remembrance of an American hero, Senator Ted Stevens:

''Oh! I have slipped the surly bonds of earth
''And danced the skies on laughter-silvered wings;
''Sunward I've climbed, and joined the tumbling mirth
''Of sun-split clouds—and done a hundred things
''You have not dreamed of—wheeled and soared and swung
''High in the sunlit silence. Hov'ring there
''I've chased the shouting wind along, and flung
''My eager craft through footless halls of air.
''Up, up the long delirious, burning blue,
''I've topped the windswept heights with easy grace
''Where never lark, or even eagle flew—
''And, while with silent lifting mind I've trod
''The high untresspassed sanctity of space,
''Put out my hand and touched the face of God.''

On August 9, 2010, Ted Stevens slipped the bonds of Earth one final time. He died, literally and figuratively, with his boots on, among friends, enjoying the rugged and dangerous beauty of nature and of the State of loved. We will miss his leadership and his friendship and the Nation will long be indebted to him for his lifetime of service.

Mr. REID. Mr. President, Ted Stevens was as dedicated to his State as anyone to ever serve in this body. From his fight for Alaska's statehood to the four decades he represented that State in the U.S. Senate, he never forgot where he came from or who elected him.

Although he set the record as the longest-serving Republican Senator in American history, his legacy is not measured by his longevity but by the indelible impact he had on Alaska.

He made much of that impact during from his time on the Appropriations Committee, and I learned a lot from working with him there. He once gave me a necktie with a picture of ''The Incredible Hulk'' on it as a token of his appreciation for my work on an appropriations bill. It was his unique way of saying ''thank you,'' and it meant a lot to me. I still have that tie.

Public service was more than a career for Senator Stevens; it was his life's calling. He served his country from halfway around the globe, fighting with the Flying Tigers in World War II, and served his State from clear across the continent when he came to the U.S. Senate. But no matter how far away from home, he always kept it close to his heart.

Senator Stevens loved flying, loved the outdoors, and loved his State. He died doing what he loved, and his footprint will forever be visible across the Last Frontier.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## CREATING AMERICAN JOBS AND ENDING OFFSHORING ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3816, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to consider Calendar No. 578, S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate, equally divided, between the two leaders or their designees prior to a vote on the motion to invoke cloture.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, in a few minutes, the Senate will be voting on the motion to invoke cloture on the motion to proceed to a bill that has been mislabeled the ''Creating American Jobs and Ending Offshoring Act.''

The part of the bill that is attracting the most attention is the repeal of deferral for the income of foreign subsidiaries for importing into the United States. Deferral is the policy that allows U.S. corporations to defer paying U.S. tax on the earnings of its foreign subsidiaries until those earnings are sent back to the United States when, at that point, they are going to be taxed just like every other corporate income.

In general, deferral is not allowed if the income is earned offshore and the reason for it being offshore is solely to avoid tax. What is bad about the bill is it would deny deferral for income that a foreign subsidiary legitimately earns from the sale of goods into the U.S. market.

The problem is that there has been no finding that such income is earned outside the United States by a motivation to simply avoid U.S. taxes. So this bill is completely contrary to a whole half century of bipartisan thinking as to when it is appropriate to deny deferral and when it is not. That bipartisanship goes back to President John F. Kennedy's administration, when there was a bipartisan agreement within the Congress and between the President and the Congress that this is the tax policy we should have to make American manufacturing competitive with foreign competition.

To the contrary, there are obviously many reasons for a foreign subsidiary of a U.S. corporation selling goods into the United States. There could be a need to be near to a certain overseas market or the good in question may not be found in appreciable quantities within the United States. Yesterday, I referred to chromium not being available in the United States, as one example.

There could be many reasons having nothing to do with tax policy. But the sponsors of this bill don't seem to understand that fact, that American

manufacturing ought to be competitive with overseas competition or, obviously, we are going to lose business and lose jobs in the process or perhaps the bill's sponsors would admit that curbing tax avoidance is not the point. Perhaps they would instead claim it is all about an effort to create American jobs.

That would be a very good goal, but it is unlikely to create jobs. I fear it would have the opposite effect. The bill may lead to fewer headquarters jobs in the United States, if a corporation, for uncompetitive reasons, decided to move totally offshore and take those headquarters jobs with them. The bill could lead to a loss of American jobs assembling finished products from parts assembled outside the United States.

In the words of the late Senator Moynihan, who was, for a long time, chairman of the Senate Finance Committee, in speaking in opposition to this very same proposal 14 years ago:

Investment abroad that is not tax driven is good for the United States.

In other words, what he is saying there is, if there is investment abroad but it is not solely to avoid U.S. taxation but has economic substance behind it, that is good for the United States.

He did not say this. Contrariwise, if there is money offshore simply to avoid U.S. taxation, then obviously that is wrong. As an example, Senator BAUCUS and I have been involved in the Stanley Corporation doing that 6, 7 years ago, and we plugged those loopholes.

I agree with Senator BAUCUS when he was recently quoted as to this bill saying:

I think it puts the United States at a competitive disadvantage. That's why I'm concerned.

If there is any doubt about whether I agree with that statement of Senator BAUCUS, the Democratic leader of our committee, I agree with Senator BAUCUS.

In addition, there are procedural defects concerning this bill. I wish to start this part of my remarks by relying on a statement Senator REID said to me privately—he might deny he made this statement, but soon after the 2006 election, when the Senate became a Democratic majority rather than a Republican majority, he said something like this to me: You and Senator BAUCUS work so well together. I want you to know I am going to let the committees continue to function as they always have, particularly in your case because you have such a close working relationship.

With that as background, things have changed very recently so that every bill seems to be written in Senator REID's office, not in committee.

This bill before us has not been vetted by the Finance Committee. Does anyone believe that if my friend the chairman were to put this bill before the Finance Committee, it would be approved in the form it is right now? If the idea in this bill had the kinds of merits claimed by their proponents, then they should welcome the Finance Committee reviewing it. Let members ask questions as they review the language. Test the strength of ideas through the committee process.

The Democratic leadership has short-circuited the opportunity to methodically test the bill as good tax policy. Unfortunately, this process defect has been more the rule than the exception. Since the stimulus bill in January of 2009, the Finance Committee has only marked up one tax policy bill, and that was the health care reform bill.

My sense is the Democratic leadership simply does not want this bill to undergo scrutiny of a regular-order process—in other words, the way the Senate normally does business. This bill is presented as a ''take it or leave it'' proposition. Republicans are not supporting cloture because they are not being offered the opportunity to amend this bill with amendments that go to the supposed purposes of the bill. No amendments are allowed on any tax incentives for job creation. No amendments are allowed on measures to prevent offshoring of jobs. In other words, the Senate being a deliberative body of a bicameral Congress—and, obviously, the House is not a deliberative body—the purpose of this body is being neutered by the procedure this bill is going through. For instance, I have amendments dealing directly with the offshoring of jobs. They are bipartisan amendments. But if I vote for cloture, I have no assurance from the Democratic leadership that these amendments will be in order. I will describe these amendments.

The first amendment mirrors a bill the junior Senator from Vermont and I have coauthored. It is the Employ America Act. It would prevent any companies engaged in the mass layoff of American labor from importing cheaper labor from abroad through temporary guest worker programs if they lay somebody off.

The second amendment I filed today mirrors a bill the senior Senator from Illinois, a Democrat, and I have worked on for several years. It is the H–1B and L–1 Visa Reform Act of 2009. It would improve two key visa provisions while rooting out abuse while making sure Americans have the first chance of obtaining high-skilled jobs in this country.

Many Americans are unemployed. Yet we still allow companies to import thousands of foreign workers. These businesses should be asked to look first at Americans to fill those jobs, and they should be held accountable for displacing Americans to hire cheaper foreign labor.

These two amendments go directly to the concerns about job creation and the prevention of offshoring of U.S. jobs. Both amendments are bipartisan. Yet if cloture is invoked, these amendments would fall on the Senate cutting room floor.

Furthermore, I have no confidence, even if the Democratic leadership were to follow regular order for floor purposes, that we could expect anything like a conference committee to work out the issues between the House and the Senate.

In sum, the bill's substance would more likely lead to an increase in offshoring of American jobs and would make American companies less globally competitive. The bill's procedure is very irregular and not in the thoughtful traditions that so dignify the Senate.

For purposes of the contents of the amendments, as well as this procedure, I ask that we vote against this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today asking that we vote to proceed to this measure so that we can have a full discussion and debate and work on the issues that are so important to middle-class families related to incentives for jobs being shipped overseas versus incentives to have jobs in America.

I agree with my distinguished colleague from Iowa—we have worked together on many issues—that there is a larger set of issues. It is very important that in the next Congress we focus on comprehensive tax reform. Permanently extending the research and development tax credit, as the President has proposed, which I strongly support, is very important to us for long-term innovation and the ability to invest in America. I believe it is important to have fair trade agreements, agreements that are enforced. When we look at a country such as South Korea, where our manufacturers have been blocked from selling into South Korea, where automakers have been at a disadvantage, we need to make sure those issues are fixed before that trade agreement or any trade agreement moves forward. There are many issues on which we need to focus under the whole commitment that we want to export products, not jobs.

I will talk about specifically what is in this bill, this piece of it, because this goes to the question of whether, in Michigan or in any State, if there is a decision made to close operations and take it to another country, lay off people in Michigan and move those jobs overseas, whether the workers, their families, Americans should subsidize that through a tax system that provides that you can take a deduction, a loss, or a credit for amounts paid in connection with reducing or ending an operation in America if you are starting the same kind of operation overseas—in other words, shipping your jobs overseas. Right now, you shut down, you get business tax deductions for what it costs you to shut down the operation and start it up somewhere else. To add insult to injury, we have

workers training folks to take their place. We heard over and over what a challenging, humiliating, angering situation that is for too many of our workers.

The question is, on this policy, knowing there is much more that needs to be done, which I support—and I do support looking at the entire tax system and how we are competing in a global economy and making sure our businesses in America have every advantage, every opportunity to compete successfully. But the question is, the single question on this vote that is coming up very shortly is whether we are going to allow companies that shut down operations and start similar operations abroad to write off their American taxes, whether the same people who are losing their jobs are going to have to help pay for the jobs going overseas. That is No. 1. We say no. We say that as a basic premise, that is wrong.

No. 2, the question is whether we should end Federal tax subsidies that reward firms that move their production overseas under something called deferral. This bill says no.

No. 3, the question is whether we are going to provide incentives—among many incentives we have and need to have—whether we will say: If in the next 3 years you as a company choose to bring back jobs from overseas and hire Americans, we want to provide an incentive by giving a 24-month, a 2-year payroll tax holiday for those workers—if you are bringing jobs back from overseas.

That is simply what this is. It is not everything, but it is a very important piece of the puzzle. That is what this is all about.

For me, this is a fight about whether we are going to make products in America. If we make a commitment, as we have begun to do through the Recovery Act, through the advanced manufacturing tax credit, through the focus on manufacturing that has begun to get business moving again, we are going to have the ability to make it in America. And when we make it in America, we are going to make a lot of it in Michigan. The reason I am very committed to strengthening our manufacturing base is because I know that is going to strengthen Michigan because we have the engineers, we have the skilled workforce, we have the know-how, we have the innovation and the ingenuity. If we make it in America, we are going to be making a lot of that in Michigan.

We are committed more broadly to doing that. We cannot have a middle class if we do not make products. If we do not make products and grow products and add value to it as a country, we will not have a middle class. The reason we are losing our middle class is because there has been in the last decade much more interest in how cheaply we can buy something rather than where it is made. Every other country has understood that it matters where it is made. China thinks it matters where it is made. India thinks it matters where it is made. Germany, Brazil, Japan—go around the globe. They look at us. They look at what created the middle class of this country. They want that, so they are focusing on manufacturing. They are putting in place their own barriers—and China, of course, wins the prize on this—to keep our companies out, to say, you have to make it in China, to say it has to be a Chinese patent, you have to turn over your technology, and so on.

This bill is part of our effort to say that we are committed to fight for America, American businesses, American workers. This is not about punishing folks; this is about fighting for America. It is about fighting for a way of life. It is about fighting for the middle class of this country. We want to make it in America, and this bill sends a very simple message: Stop shipping our jobs overseas. Stop having loopholes in the law, incentives in the law that ship our jobs overseas.

We have lost over 4.7 million manufacturing jobs in the last decade. We can debate the 8 years of the former Presidency and the incentives that caused job loss and too many of those in my State of Michigan. We know that if we focus on making products in America, we will bring those jobs back; that if we close loopholes, if we create incentives, we will bring jobs back.

One example, and then I will close—I see my colleague from Ohio is here—when we focus on the right incentives, we do bring jobs back. In the last Energy bill, section 136—which I was pleased to author on tooling older plants to help businesses get retooling loans—caused Ford Motor Company to bring jobs back from Mexico to Wayne, MI. The jobs came back because of the right incentives. This bill is about the right kinds of incentives and closing the wrong kinds of incentives.

I ask our colleagues to give us the opportunity to get to this bill, to work together to stop the bleeding, stop the shipping of jobs overseas, and give us the opportunity to make it in America again.

Mr. BROWN of Ohio. Mr. President, will the Senator from Michigan yield?

Ms. STABENOW. Yes, I will be happy to.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Michigan for her work on this legislation—she was here late in the evening yesterday—and the effort she has put forward.

It was 10 years ago this month that the Senate passed permanent normal trade relations with China. Initially, that was called most-favored-nation status, as Senator STABENOW remembers. They dressed it up, cleaned it up, put lipstick on the pig, and decided they should call it something else. We know what it has done to our country. We had a trade deficit with China in the fairly low double digits back 10 years ago. Today, our bilateral trade deficit with China is $260 billion. I believe last year it was $240 billion.

The first President Bush said that $1 billion in trade deficit translates into 13,000 jobs. So if we have a trade surplus of $1 billion, it means we are selling a lot more than buying and have gained 13,000 jobs. If we have a trade deficit of $1 billion, we have a 13,000 job loss. Well, we have a trade deficit with China alone of $260 billion, so we know what that means.

Look at what this PNTR with China has done. Look at what our tax laws and trade laws have done, and this legislation will begin to fix the tax laws. Look at what tax laws and trade laws have done to the middle class, to our manufacturing base in Toledo, OH, and Monroe, MI, and points north and south of there. It has all been based on this sort of cynical business plan. Not since colonial times have we seen the world where a company—an industry—will close their manufacturing in our country, they will move their production line and build factories in another country and then sell back their products to the United States. Never before have large numbers of businesses and industries done that, to my knowledge. Now we are seeing what damage it has caused to the middle class. We see the manufacturing job loss. We went from 1 million manufacturing jobs 10 years ago to, during the Bush years, that number shrinking to 600,000 manufacturing jobs in this country.

We are seeing progress. This legislation is progress. Clearly, I am hopeful our Republican colleagues won't object, as they typically have. They know people who have lost jobs, I assume, and they understand that. But we have also seen the President begin to enforce trade laws.

Mr. LEAHY. Mr. President, I strongly support the Creating American Jobs and Ending Offshoring Act. These clearly justified reforms will close wasteful tax loopholes for firms that move jobs overseas and provide real incentives for firms to bring jobs back to the United States. I am proud to join Senators DICK DURBIN, HARRY REID, BYRON DORGAN, BARBARA BOXER, CHUCK SCHUMER, SHERROD BROWN, and SHELDON WHITEHOUSE in cosponsoring this bill.

For the past two decades our country has witnessed a disturbing trend towards outsourcing American jobs abroad. What began as a way for domestic manufacturers to cut labor costs has blown into a full-fledged sprint by some U.S. manufacturing and service companies to move as much production offshore as possible.

The devastating effects of global offshoring have hit large, manufacturing States like Ohio, Michigan, Indiana, and California with particular hurt, but smaller States like Vermont are not immune to the global realities of corporate outsourcing and consolidation. Unfortunately, there is quite a list of companies in recent years that have either left our State or gone out of business entirely because they moved jobs overseas or were squeezed

out of the market by competitors using cheap, foreign labor.

That is why the Senate must move forward with considering the Creating American Jobs and Ending Offshoring Act.

First, the bill will eliminate the perverse tax subsidies that U.S. taxpayers provide to firms that move facilities offshore. Specifically, it prohibits a firm from taking any deduction, loss, or credit for amounts paid in connection with reducing or ending the operation of a trade or business in the United States and starting or expanding a similar trade or business overseas.

Second, the bill will close the tax loophole that rewards U.S. firms that move their production overseas and then turn around and import those now foreign-made products back to the United States for sale. Not only will this help keep good manufacturing jobs here at home, it will save American taxpayers more than $15 billion in revenue over the next decade.

Finally, to encourage businesses to create jobs in the United States, the bill will provide businesses with payroll tax relief for each new job that they bring back onshore.

During these trying economic times, too many Vermonters are struggling to find goods jobs and pay their bills. The economic collapse came swiftly, and we have all seen that there are no quick fixes to turn around our economic troubles. We staved off greater economic disaster with an essential economic rescue plan, and we have tried to jump-start the economy with a bold economic recovery plan. But employment opportunities here at home are hampered when employers push more and more jobs overseas.

Last year, Congress helped lay the groundwork for a renewed and vibrant economy by enacting tax relief for working families and businesses and making needed investments in broadband deployment, job training, electrical smart grids, water and transportation infrastructure, better schools, housing, first responders, and new energy sources. We need to ensure that these important investments by U.S. taxpayers benefit businesses and workers here at home.

Mr. LEVIN. Mr. President, the American people understand a simple truth: Our Tax Code should not encourage U.S. companies to send their jobs overseas. That is why we have proposed the Creating American Jobs and Ending Offshoring Act. This legislation would take important steps to prevent American workers from losing their jobs because American companies get tax breaks when they move jobs overseas.

I thank Senators REID, DURBIN, SCHUMER, and DORGAN for introducing this legislation. It would eliminate tax deductions that corporations claim for expenses related to sending U.S. jobs overseas. It would end the tax breaks companies receive on income earned by foreign subsidiaries established to do work they once did with American workers. And in a bid to turn around the twisted incentives in our Tax Code, incentives that now encourage companies to send jobs overseas, it would provide incentives for companies to bring those jobs back home.

I understand some of my colleagues oppose this legislation because they fear it might violate our treaty obligations. It is difficult to have sympathy for this position, given the thousands of U.S. jobs lost because our trading partners fail to live up to their treaty obligations. I am in favor of trade, but I strongly oppose unilateral disarmament when it comes to trade. It is our obligation to defend the interests of U.S. workers. Ending the tax incentives that cost thousands of those workers their jobs is one way we can fulfill that obligation.

U.S. companies that do the right thing by their U.S. workers should not be at a disadvantage over those companies that ship jobs overseas. U.S. tax law should not encourage companies to fire hard-working Americans. We should pass this legislation and end the distorted incentives that are costing Americans their jobs.

Mr. GRASSLEY. Mr. President, very soon, the Senate will be asked to vote on the motion to invoke cloture on the majority leader's motion to proceed to a bill that is mislabeled the ''Creating American Jobs and Ending Offshoring Act.''

The process for this bill illustrates how the Democratic leadership has dumbed down any efforts to seriously legislate any tax policy issues. To show how far, as a body, we have run off the rails in legislating, let's compare the legislative track record of this bill with the last major piece of tax legislation designed to deal with domestic job creation.

I am referring to the bill that responded to a World Trade Organization ruling against a domestic manufacturing benefit known, at that time, as the foreign sales corporation or FSC program. Dangerous tariffs were pending with respect to many American products. How was that legislation handled?

First of all, the Finance Committee members and staff engaged in a lot of due diligence in crafting the replacement regime, the domestic manufacturing deduction. On a bipartisan basis, Finance Committee staff, principally the tax and trade staffs, met with the interested parties, including officials from the litigating group, the European Union.

Finance Committee staff, Republican and Democrat, negotiated a bill that took the revenue generated from repealing the FSC benefit, added revenue from shutting down tax shelters like the so-called SILO/LILO schemes, and channeled that revenue back into a new broader based domestic manufacturing incentive. That incentive is a 9 percent deduction for domestic manufacturing activity. It is a substantial tax incentive. The Joint Committee on Taxation estimates it is worth $10 billion annually in terms of reduced taxes to domestic manufacturers, large and small. The chairman's mark was a joint mark between my friend, then-ranking Democratic member, MAX BAUCUS, and me.

Ranking Member BAUCUS and I came up with a bill title. It was the Jump Start Our Business Strength or JOBS bill. The bill went through the usual transparent Finance Committee mark-up process. Over several days, Finance Committee members reviewed the language, asked questions, and prepared and filed amendments. When I gaveled the committee to order, several amendments were debated. Some were defeated. Some were modified and accepted. Others were discussed and withdrawn. Every Finance Committee member played a role in shaping the bill the committee approved. And it should be noted the only dissents were two members on the then majority side.

When the bipartisan JOBS bill was scheduled for floor debate, then majority leader Bill Frist brought up the Finance Committee bill. Both my friend, Senator BAUCUS, and I were consulted on the floor bill's contents. At that time the Democratic leadership filibustered efforts to effectively process the bill. Keep in mind there was no dissent in the Finance Committee on the substance of the bill on the Democratic side. As I said before, two members of my leadership, on very principled grounds, voted against this popular bill. Despite opposing the bill in committee, those two members supported the majority leader's efforts to bring the time-sensitive legislation to the floor and process it in a timely fashion.

It took three cloture votes to process the JOBS bill. That is right. Three cloture votes. The basis for the multiple filibusters of the JOBS bill was not opposition to material in the bill. The Democratic leadership filibustered over items not in the bill that they wanted to offer as amendments. The Republican leadership did something we seldom, if ever, see from the Democratic leadership. Majority Leader Frist yielded by allowing votes on those issues, which were not in the bill, but controversial with many in the Republican Conference. Many votes were held on the JOBS bill. Some were designed by those close to the Democratic campaign operation solely to score political points. The Republican Conference, as the majority party at the time, recognized multiple votes were the price to pay to push part of the majority's agenda.

Even if that agenda consisted of doing the people's business by processing a bill with more support on the other side.

The conference committee that considered the JOBS bill was fully open. There was a chairman's mark and several days of amendments between the House and Senate. In the end, a conference report was produced that

garnered a majority of Senate conferee signatures from each side. The conference report passed with overwhelming bipartisan support.

Compare that JOBS bill process with the one for this bill which, as I said at the start of my remarks, is a jobs bill in name only. In the Senate, I have found over the years, that legislative substance and legislative process are symbiotic.

That is, the quality of the process often affects the quality of the substance and vice versa.

Here we are debating a bill whose proponents claim will make a material difference with job creation incentives. We are also told that this bill will materially curtail the offshoring of U.S. jobs. If it were only that simple, I am sure the bill would pass with the overwhelming bipartisan margin the JOBS bill did some 6 years ago.

I have previously discussed the defects in the bill before the Senate. I will not do it again here. But I will say this: Does anybody on the other side really believe if my friend, the chairman, were to put this bill before the Finance Committee that it would be approved in the form that is before the body today? I can tell you this Senator has several amendments that he thinks would improve this bill dramatically.

I would expect those amendments might pass with bipartisan support. This bill, like so many others, was crafted in the majority leader's office and is largely the singular work of two senior members of his leadership. That is not to say anything negative about those members or their interest or work in the area of tax legislation. My point is that, if the ideas in this bill had the kind of merit claimed by their proponents, why avoid the Finance Committee? Why not let the public see it in committee. Let members ask questions as they review the language. Test the strength of the ideas through the amendment process. If the proponents answer by blaming Republican Leader MCCONNELL, I would point out that Senator MCCONNELL isn't on the Finance Committee. If the proponents answer by blaming partisanship, I would ask them to take a look at the Finance Committee ratio.

It has been the most favorable to the majority since the early part of the 1990s. By intentionally skipping the committee of jurisdiction, the Democratic leadership has deliberately short-circuited the opportunity to methodically test the bill as tax policy. Unfortunately, this process defect has been more the rule than the exception. Since the stimulus bill in January of 2009, the Finance Committee has only marked up one tax policy bill, the health care reform bill. As a former chairman, I know the current chairman would not want to proceed this way. Nope. My sense is the Democratic leadership simply doesn't want this bill to undergo the extra scrutiny of a regular order process.

Unlike the 2004 JOBS bill, this bill is being presented as a take-it-or-leave-it proposition. Republicans are not supporting cloture because they are not being offered the opportunity to amend this bill with amendments that go to the supposed purposes of the bill. No amendments allowed on other tax incentives for job creation. No amendments allowed on measures to prevent offshoring of jobs. I have amendments dealing directly with the offshoring of jobs question. They are bipartisan amendments. If I vote for cloture, I have no assurances from the Democratic leadership that these amendments will be in order. Any look back on the way in which tax bills have been processed this year tells me I have good reasons for doubting that a full debate would occur. I would like to briefly describe the two amendments I filed earlier.

The first amendment mirrors a bill that the junior Senator from Vermont and I have coauthored. Known as the Employ America Act, this amendment would prevent any company engaged in a mass layoff of American workers from importing cheaper labor from abroad through temporary guest worker programs. Companies that are truly facing labor shortages would not be impacted by this legislation and could continue to obtain employer-sponsored visas. Only companies that are laying off a large number of Americans would be barred from importing foreign workers through guest worker programs.

Since the recession started in December of 2007, nearly 8 million Americans have lost their jobs and the unemployment rate has nearly doubled. In total, 15 million Americans are officially unemployed, another 8.8 million Americans are working part-time only because they cannot find a full-time job, and more than 1 million workers have given up looking for work altogether.

At the same time, some of the very companies that have hired tens of thousands of guest workers from overseas have announced large scale layoffs of American workers. The high-tech industry, a major employer of H–1B guest workers, has announced over 330,000 job cuts since 2008. The construction industry, a major employer of H–2B guest workers, has laid off 1.9 million workers since December of 2007.

The second amendment I filed yesterday mirrors a bill that the senior Senator from Illinois and I have worked on for several years. Known as the H–1B and L–1 Visa Reform Act of 2009, this amendment would improve two key visa programs by rooting out fraud and abuse while making sure Americans have the first chance of obtaining high-skilled jobs in this country.

The amendment does several things, including: one, requiring employers to try and recruit U.S. workers before hiring H–1B visa holders; two, requiring employers to pay a better wage to visa holders who take these jobs; three, expanding the powers of the federal government to go after abusers; four, creating new rules regarding the outsourcing and outplacement of H–1B and L–1 workers by their employers to secondary employers in the United States; and five, establishing a new database that employers can use to advertise positions for which they intend to hire an H–1B worker.

Too many American workers are unemployed today. Yet we still allow companies to import hundreds, even thousands, of foreign workers with very little strings attached. These businesses should be first asked to look at Americans to fill vacant positions, and they should be held accountable for displacing Americans to hire cheaper foreign labor.

These two amendments go directly to the concerns about job creation and prevention of offshoring of U.S. jobs. Both amendments are bipartisan. Yet if cloture is invoked, these amendments would fall on the Senate cutting room floor.

Unlike the 2004 JOBS bill, I have no confidence that, even if the Democratic leadership were to follow regular order for floor purposes, that we could expect anything like a conference committee to work out the issues between the House and the Senate.

We find ourselves in a very disappointing situation today. Two serious issues are supposed to be addressed in the legislation before the Senate: The first is tax incentives for job creation; the second is measures to prevent offshoring of jobs. No doubt the people who send us here expect us to take these weighty matters seriously. With all the economic pain Americans are enduring, we shouldn't be playing political games. But here we are. We have a bill whose proponents claim is a serious effort.

The Democratic leadership skipped the Finance Committee, and we are presented with a take-it-or-leave-it bill that is really nothing more than a political label. We can do better.

CLOTURE MOTION

The PRESIDING OFFICER. All time for debate has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 578, S. 3816, the Creating American Jobs and Ending Offshoring Act of 2010.

Richard J. Durbin, Charles E. Schumer, Tom Harkin, Sheldon Whitehouse, Debbie Stabenow, Barbara A. Mikulski, Roland W. Burris, Bernard Sanders, Tom Udall, Mark Begich, Daniel K. Akaka, Jeff Merkley, Benjamin L. Cardin, Edward E. Kaufman, Christopher J. Dodd, Arlen Specter, Sherrod Brown, Amy Klobuchar, Byron L. Dorgan, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent, the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—53

| | | |
|---|---|---|
| Akaka | Franken | Mikulski |
| Bayh | Gillibrand | Murray |
| Begich | Goodwin | Nelson (FL) |
| Bennet | Hagan | Pryor |
| Bingaman | Harkin | Reed |
| Boxer | Inouye | Reid |
| Brown (OH) | Johnson | Rockefeller |
| Burris | Kaufman | Sanders |
| Cantwell | Kerry | Schumer |
| Cardin | Klobuchar | Shaheen |
| Carper | Kohl | Specter |
| Casey | Landrieu | Stabenow |
| Conrad | Lautenberg | Udall (CO) |
| Dodd | Leahy | Udall (NM) |
| Dorgan | Levin | Webb |
| Durbin | McCaskill | Whitehouse |
| Feingold | Menendez | Wyden |
| Feinstein | Merkley | |

NAYS—45

| | | |
|---|---|---|
| Alexander | Crapo | Lugar |
| Barrasso | DeMint | McCain |
| Baucus | Ensign | McConnell |
| Bennett | Enzi | Nelson (NE) |
| Bond | Graham | Risch |
| Brown (MA) | Grassley | Roberts |
| Brownback | Gregg | Sessions |
| Bunning | Hatch | Shelby |
| Burr | Hutchison | Snowe |
| Chambliss | Inhofe | Tester |
| Coburn | Isakson | Thune |
| Cochran | Johanns | Vitter |
| Collins | Kyl | Voinovich |
| Corker | LeMieux | Warner |
| Cornyn | Lieberman | Wicker |

NOT VOTING—2

| | |
|---|---|
| Lincoln | Murkowski |

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

## DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.

John D. Rockefeller, IV, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Jack Reed, Mark R. Warner, Patrick J. Leahy, Michael F. Bennet, Barbara Boxer, Benjamin L. Cardin, Charles E. Schumer, Patty Murray, Debbie Stabenow, Robert P. Casey, Jr., Christopher J. Dodd, Daniel K. Akaka, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2010 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 14, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—84

| | | |
|---|---|---|
| Akaka | Feingold | McConnell |
| Alexander | Feinstein | Menendez |
| Baucus | Franken | Merkley |
| Bayh | Gillibrand | Mikulski |
| Begich | Goodwin | Murray |
| Bennet | Graham | Nelson (NE) |
| Bennett | Grassley | Nelson (FL) |
| Bingaman | Gregg | Pryor |
| Bond | Hagan | Reed |
| Boxer | Harkin | Reid |
| Brown (MA) | Hatch | Roberts |
| Brown (OH) | Hutchison | Rockefeller |
| Brownback | Inouye | Sanders |
| Bunning | Johanns | Schumer |
| Burr | Johnson | Shaheen |
| Burris | Kaufman | Snowe |
| Cantwell | Kerry | Specter |
| Cardin | Klobuchar | Stabenow |
| Carper | Kohl | Tester |
| Casey | Kyl | Udall (CO) |
| Cochran | Landrieu | Udall (NM) |
| Collins | Lautenberg | Vitter |
| Conrad | Leahy | Voinovich |
| Corker | LeMieux | Warner |
| Dodd | Levin | Webb |
| Dorgan | Lieberman | Whitehouse |
| Durbin | Lugar | Wicker |
| Ensign | McCaskill | Wyden |

NAYS—14

| | | |
|---|---|---|
| Barrasso | DeMint | Risch |
| Chambliss | Enzi | Sessions |
| Coburn | Inhofe | Shelby |
| Cornyn | Isakson | Thune |
| Crapo | McCain | |

NOT VOTING—2

| | |
|---|---|
| Lincoln | Murkowski |

The PRESIDING OFFICER. On this vote the yeas are 84 and the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

CHANGE OF VOTE

Mr. ALEXANDER. Mr. President, on rollcall vote No. 243 I voted ''nay.'' It was my intention to vote ''yea.'' I ask unanimous consent that I be permitted to change my vote which will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

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

MONTFORD POINT MARINES

Mr. BURRIS. Mr. President, I take the floor today to pay tribute to a group of Americans that blazed a trail, people who helped to shape the history we share, and whose contributions deserve recognition at the highest levels.

There has been no war fought by or within the United States in which African Americans did not participate.

The war for our independence featured all-Black units in Rhode Island and Massachusetts. During the War of 1812, about one-quarter of the Navy involved in the Battle of Lake Erie was Black. Nearly 190,000 African Americans fought for their own freedom in the Civil War. In World War I, over 350,000 Black men served on the Western Front.

But prior to 1941, Black servicemen were denied the honor and glory that comes with uniformed service, and their contributions went largely unnoticed. The units were segregated. Black infantry divisions hardly saw the battlefield. They served our Nation with honor, but our Nation did not honor their service.

But on June 25, 1941, President Franklin Roosevelt changed all that. Executive Order 8802 prohibited racial discrimination in the Nation's military. It was the first Federal action to promote equal opportunity in the United States.

Immediately, people of color answered the call and joined all branches of the service. Soon, the very first Black U.S. marines began training at Camp Montford Point in North Carolina. These men would become the first Black drill instructors, the first Black combat troops, and the first Black officers the Marine Corps had ever seen.

More than 19,000 Black marines served in the Second World War. Some, like SGM Edgar Huff and SGM Louis Roundtree, served in Korea and Vietnam as well. They earned decorations such as the Bronze Star, the Silver Star, and the Purple Heart.

All of the Montford Point marines sacrificed for their country, and for that they deserve our deepest gratitude. But they also did far more than sacrifice on the battlefield. They broke down barriers. Their names may not be as familiar as Washington, Jefferson or Lincoln. But their contribution to the American story deserves more than our respect. Through their actions, they changed the face of the U.S. military.

They deserve our praise and recognition.

Last fall, I introduced S. 1695, a bill to award the Congressional Gold Medal to the Montford Point marines. I urge my colleagues to move forward and honor these fine men and women. Every American has benefited from their sacrifice, their bravery, and their leadership. And every American should learn from their fine example.

Unfortunately, time is not on our side. Every day, approximately 900 brave American souls who served in World War II pass away. We should honor our greatest generation while we have the chance to look them in the eye and thank them.

Since the day a few brave men began their training at Camp Montford Point more than half a century ago, the U.S. Marine Corps has been transformed into a stronger, more diverse fighting force. The legacy of the Montford Point marines represents what is best about this Nation's history. Theirs is a proud chapter in the continuing American story.

As I address this Chamber today, I am surrounded by the towering monuments to our Founding Fathers, and the memorials to those who have fought and died so that we might live free. It is time to make the Montford Point marines a part of that immortal history—to award them the prestigious Congressional Gold Medal.

I ask that my colleagues join with me in celebrating these American heroes.

We need to do it before it is too late, and we will not have any of them to look into the eye and tell them: Thanks for your service. Thanks for standing up against some of the toughest situations on the battlefield but even tougher situations as Blacks on the homefront.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I commend my friend, the Senator from Illinois, for his comments, and I associate myself with his effort. This is recognition that is long overdue. I am pleased to support his efforts in this area. It is a part of American history that has not received appropriate recognition, these individuals' service to and in defense of our country. I believe strongly that we need to take action on this, as the clock for many of these individuals, as they get advanced in age, is ticking.

The Senator from Illinois will be leaving this Chamber at the end of this year. He and I came in together, as did the Senator from New Mexico. It has been a great honor of mine to serve with him. I consider Senator BURRIS a dear friend. I know there will be time for a more formal process, but I simply wish to say on this matter and countless others over the 2 years we have served together, it has been a real pleasure. I look forward to—perhaps not in this Chamber—other opportunities for us to serve and work together for many years to come.

(Mr. BURRIS assumed the chair.)

(The remarks of Mr. WARNER pertaining to the introduction of S. 3853 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I commend the work of my colleague from Virginia, Senator WARNER, on a very important set of challenges we have.

I ask unanimous consent to speak as in morning business.

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

AFGHANISTAN AND PAKISTAN

Mr. CASEY. Mr. President, the conflict in Afghanistan enters its ninth year next month. Over the past few months, the United States has experienced the most casualties since the war began in 2001. In June, 60 U.S. troops were killed; in July, 66; in the month of August, 55 service members gave their lives.

We always recall the words of Lincoln when we recall those who are killed in action, those who gave, as he said, the last full measure of devotion to their country. These are difficult days, and that is an understatement—very difficult days for the American people and especially for the families and the troops. I also believe these are days that have tried the patience of Americans and tested the resolve of our commitment to this conflict.

At a minimum, we—when I say ''we,'' I mean those Members of the U.S. Congress—we owe the families of these service members every assurance that their elected officials, their elected representatives in Washington are vigilantly exercising oversight of the war. We also owe it to them that we ask and demand answers to very tough questions and, finally, that we are doing everything we can to make sure we get this policy and this strategy that goes with it right.

Since I last spoke on the floor on the issue of Afghanistan, there have been many important developments with respect to the war. First, we have been confronted with new revelations of corruption by the Afghan Government—more about that in a moment—second, reports of ballot box stuffing and voter intimidation in the parliamentary elections earlier this month have raised long-held doubts by the Afghan people as to the durability of the country's democratic experiment. The number of IED attacks has increased, and while deaths due to the IEDs are, in fact, down, the number of injuries is, unfortunately, up. ISAF has also begun operations in Kandahar. We saw a story about this yesterday. This is notable because this is reportedly the first operation to be primarily made up of Afghan troops.

I wish to spend a couple moments today to draw attention to the international response to the floods in Pakistan. The United States has played an important leading role. We were the first, and with the most assistance, of any country. While this may be the case, we also have a responsibility to encourage generosity from the public and private sectors in the international community.

I mentioned before the issue of corruption in Afghanistan. This issue has nationwide implications and could serve to undermine the totality of our efforts in Afghanistan. Our troops are fighting and dying to help extend the reach of the Afghan Government outside of the capital of Kabul to show the Afghan people that their government has a monopoly on the use of force and is capable of providing goods and services to its people. But we need to put this very simply. We cannot be complicit. Our forces, our government, cannot be complicit in helping to extend the reach of a corrupt government. Afghanistan is a sovereign country, and if the fight against corruption is going to be effective, Afghans—Afghans—can and must own the process.

The United States should support the work of the Major Crimes Task Force and the Special Investigations Unit, but, frankly, the track record to date has been very disappointing, and unless serious progress is made, support for U.S. engagement in Afghanistan will be seriously eroded.

As a former auditor general of Pennsylvania who oversaw the auditing of government programs at the State level, I perhaps have a heightened sensitivity to the vital role transparency and accountability have in government—in any government. The importance of these basic elements of a representative democracy is especially compelling when the lives of courageous Americans, ISAF, and Afghan forces are, indeed, on the line.

Just yesterday, the Wall Street Journal reported that there is a U.S. criminal investigation into President Karzai's older brother Mahmood, and prosecutors are trying to determine whether they can bring charges of tax evasion, racketeering, or extortion against him. Reportedly, he will travel to the United States this week to amend his tax returns. But these are serious allegations that we read about time after time. I have spoken and many in this Chamber have spoken about the allegations of corruption against Ahmed Wali Karzai, who has been implicated in local corruption schemes involving the opium trade. These are allegations, they are charges, but they are charges that are very serious and potentially damaging to the overall U.S. effort in the country, as it strikes to the heart of trust in the Afghan Government. Without this trust from Afghans and from the international community, I am concerned that support for U.S. efforts in Afghanistan will erode.

On September 18, Afghans went to the polls to vote for a new parliament. This has also become a serious cause

for concern. On Sunday, the Afghan election officials ordered recounts in seven provinces. A government anti-fraud elections watchdog has received more than 3,500 complaints—3,500 complaints—about this election. They are concerned that up to 57 percent of these complaints could change the outcome of the vote. The Free and Fair Election Foundation of Afghanistan, the main independent Afghan observer group, observed ballot box stuffing in 280 voting sites in 28 provinces. We don't expect elections in a developing country to be perfect, especially a country that is in a war zone, but these reports are alarming, to say the least, because they indicate that not enough progress has been made over the past 9 years to create an Afghanistan in which the people resolve their own differences through politics and not violence.

Next let me move to the question of security, which is so fundamental to our strategy. I have sought to highlight the threat posed by ammonium nitrate, the fertilizer that is a key ingredient in the improvised explosive devices in Afghanistan. According to a recent report from the Joint Improvised Explosive Device Defeat Organization, known by the acronym JIEDDO, there have been 1,062 effective IED attacks against coalition forces in 2010 that killed 292 soldiers and wounded another 2,178 others. In the first 8 months of 2009, there were 820 such attacks that killed 322 and wounded 1,813. So while the number of deaths in the comparable period of 2009 versus 2010 may be down—instead of it being 322 deaths in those 8 months, it is 292—even though the number of deaths is down, the number of wounded, the number of injuries has risen dramatically in 2010.

It is essential that we highlight this threat and support U.S. and international efforts to crack down on the proliferation of dangerous chemicals such as ammonium nitrate that can be used in IEDs. I sponsored a resolution which was passed by unanimous consent—which we know is hard to do in this body these days—calling for increased focus by the Governments of Pakistan, Afghanistan, and Central Asian nations to effectively monitor and regulate the use of ammonium nitrate fertilizer in order to prevent terrorist organizations from transporting ammonium nitrate into Afghanistan. As we know, a lot of the inflow, a lot of the movement of this precursor chemical that is used in IEDs comes from Pakistan into Afghanistan. As a show of bipartisan strength on this resolution, Senators KYL, SNOWE, REID, and LEVIN—two Democrats, two Republicans—were original cosponsors of this resolution. I also had language inserted into the foreign operations funding bill which requires the State Department to report on its efforts to encourage Pakistani assistance on this issue. We must remain vigilant and persistent to address this ongoing problem. This is about protecting our troops from the horror of an IED attack. We must do all we can to minimize the threat to our brave men and women fighting for us in the field.

At a different level, at a strategic level, ISAF has launched Operation Dragon Strike, a joint operation with Afghan forces which will look to eradicate Taliban elements in Kandahar. This operation could mark a crucial and critical turning point in the war, and we will be watching closely in the coming weeks to gauge the progress as it moves forward. This operation is notable as there are more Afghan troops than ISAF troops on the ground, and this is indeed an encouraging sign that the training of the Afghan National Army is beginning to reap benefits. That is a bit of good news—more good news—as it relates to the training of the Afghan Army; not such good news—in fact, some bad news—as it relates to the training of the Afghan National Police.

Let me move finally to the floods in Pakistan. I wish to draw attention to the devastating humanitarian crisis that continues to plague Pakistan after the flood. This has affected millions of people in Pakistan across the country—maybe not always directly but in some way or another through displacement, death, injury—in so many ways this has adversely affected the people of Pakistan. This is the worst natural disaster in the history of the country.

To assist the people of Pakistan during this difficult time, the United States has provided more than $340 million to support immediate relief and recovery efforts. The United States has provided food, infrastructure support, and air support to transport goods and rescue thousands stranded by the floods.

These floods will require a substantial international commitment of assistance. The United Nations has issued appeals, but the response from the international community has been, in a word, weak, and that might be an understatement. Private contributions have slowed to a trickle.

Last week, we heard from Cameron Munter, the President's nominee to be Ambassador to Pakistan, who described at our hearing in the Foreign Relations Committee the administration's plans to bolster support for the Pakistan relief fund. The American response to the flood has been substantial, but we can and must do more to rally the international community and the private sector to be generous in Pakistan's time of need. The Pakistani-American community has led an important effort to draw attention to the devastation wrought by the flood. We should bolster their work and use our platforms as public officials to broaden their appeals for help.

So we have many challenges in this area to get our strategy right in Afghanistan as it relates to governance. Increasingly, that word really means anticorruption, mostly—obviously on security in terms of what our strategy is but also in terms of training the Afghan National Army and police so that we can eventually draw down our troops and have them take over the fight and govern their own country.

Finally, on development, which I didn't speak much about today, there is the ability for the Afghans to develop the infrastructure and support they need to govern themselves, whether that is services, water and sewer—any indication, any element any country would need to have in place so that people can live in peace and security. Finally, there are the efforts we are making to help the people of Pakistan at a time of great need. We have all kinds of important humanitarian reasons to be helpful and to show solidarity with suffering people, and we also have several security imperatives that come into play when it comes to the flood and the aftermath.

So for all of these reasons, it is critically important to continue to debate and discuss and even argue about what our policy in Afghanistan should be. That is the least the Senate can do when our troops are fighting and sometimes dying in the field to carry out this mission.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, if you opened the newspaper over the last several weeks, you have probably noticed a large full-page advertisement that has appeared almost every day. It shows, usually, a young person, and it has a caption that reads: ''A hundred thousand working Americans don't count? Put the brakes on the Department of Education's gainful employment rule.''

There are a lot of photos of young people with that basic statement popping up in newspapers not only in Washington but across the United States. Others show photos of young people saying: ''I don't count? Some in Washington think I don't.''

These ads have been hard to miss. They have been running in more than 10 newspapers on a daily basis for several weeks, at a cost of millions of dollars. Most Americans, when they look at it, are puzzled and say: What is this debate and this battle all about?

Well, many of these ads are being paid for by Corinthian Colleges, Incorporated. This is a for-profit higher education company that provides training and education after high school for young people across America—and for those who are not so young anymore. Corinthian and other for-profit colleges

are upset about a regulation that the Obama administration has proposed. Corinthian is spending millions of dollars on a barrage of ads across the United States, rather than basically taking the same money and offering it in scholarships to help their students. They want to stop the Obama administration from its proposed change in the rules. The proposed regulation could end Federal subsidies to some of the poorest performing for-profit colleges in America. That might hurt the profits of some very wealthy corporations, especially Corinthian.

This is simple dollars and cents. They are spending millions of dollars now to persuade Congress, and perhaps some voters and opinion makers, not to enforce a rule that holds them to a standard of performance because they may lose business. If they lose business, they may lose profits. In losing profits, they think it is worth putting money into this advertising effort. They are worried, because if you take a look around, you cannot miss them in Washington. I have said, half jokingly, that having served in Congress for more than 20 years, the best way I can find to meet former Members of Congress whom I have served with over those 20 years is to take on this issue because they have all signed up as lobbyists for these for-profit colleges. They are calling me and saying: DURBIN, guess who I am working for. It turns out my efforts to hold for-profit colleges accountable for the students going to school there and ending up deeply in debt is a full employment bill for former Members of Congress to be lobbyists. That was not my intention. It is not my goal.

They are also spending millions of dollars on these ad campaigns, about which I have spoken to newspaper people who say: The newspaper business isn't profitable anymore, but thank goodness these schools are buying full-page ads. So I have this sort of one-man campaign to put Americans back to work and make American newspapers more profitable. It is almost the basis for a comedy routine, except what I am talking about is not funny at all.

I am talking about some of these for-profit schools that are sinking young people deeply into debt in student loans that they can never pay off, promising them courses, training, and degrees that will lead to a good job and, in fact, it leads to a dead end, where they end up with a worthless piece of paper. They don't end up with the skills they need to get a job, but they do end up in debt, with student loans to the heavens.

I think the Department of Education is on the right track. If we are going to send literally millions, if not billions, of dollars to colleges and schools that are training those who finish high school, we should have some standards there. We should not just give them to anyone who happens to call themselves a school or calls their effort an education and training. It is right to ask these questions.

The proposed gainful employment regulation is complicated, and some changes may be made before it is all over. It is basic: For-profit colleges should not routinely leave students with student loan debt that they cannot afford to pay back. Luring a 19-, 20- or 21-year-old deeply into debt, when they are being promised a job they will never have, is cruel and unfair. In a moment, I will tell you what happens when the students default on their debts. In the meantime, the taxpayers are subsidizing this. It is our Federal tax dollars passing through Washington and out to these schools, loaned to students, paid to the colleges that are representing they have something good to offer, leaving students deeply in debt and many without a job.

This rule the Obama administration is looking at would look at debt-to-income ratios and student loan repayment rates to determine those education and training programs that are leaving students with more debt than they can realistically ever pay back. Those programs might have to print a warning label on their promotional materials about the high debt levels of their students or there might be restrictions on enrollment in departments of schools that regularly produce students who are deeply in debt without a job. Some programs would actually lose their eligibility for Federal student aid if they don't meet certain standards. I think that is an honest approach for the students and for our need in this country to educate and train people in our workforce.

Recently, I had a hearing in Chicago, and it was on this issue. I could not get over the crowd. I expected a few people to be interested, but 450 people showed up. We had to have an overflow room in the Federal courthouse. As I walked into that Federal courthouse building, I thought there was something else important going on there beyond my hearing. It turned out the demonstrators on the sidewalk outside were there for me. So I went up to talk to them; they were students. These two students I spoke to were dressed in a white tunic, which chefs wear, with buttons on the side. They were carrying a sign against the gainful employment rule. I talked to them. I said: Where do you go to school? They said they went to the Institute of Art of Chicago, located in the suburb of Schaumburg, IL.

For those of us who know Chicago, the reason that name is written the way it is written is because there is a real art institute in Chicago. This school is not affiliated with it, but it is creating the impression that it may have some connection. It doesn't. I asked the student: What are you studying? The student says: Culinary arts. I want to be a chef. I said: How long does the course last? He said: 2 years. I said: How much do you pay in tuition for this course? He said: $54,000. It costs $54,000 to work in a restaurant. I said: How much will you get paid after you finish the course, when you go to work? He said: We usually start at about $10 an hour, and if I work 6 days a week or maybe more and do overtime, I might make $30,000 a year gross. I said: Do you have any idea how long it will take to pay off this debt? What is this leading to? He said: Someday I want to own a restaurant. I said: That is a great ambition, but if you start this journey $54,000 in debt, what is the likelihood you will reach your goal? He said: Well, I am going to pursue it. I think it is the thing to do.

The same culinary course is offered at the community colleges in Chicago—a 2-year course, with the same preparation, and the tuition for 2 years is $12,000 versus $54,000. This young man is going to be deeply in debt, a debt which people our age think, my goodness, that is more than my first home cost. They are going to have that facing them as they start a job that pays about $10 an hour.

That, to me, is unfair and creates an unrealistic expectation. I wish there would be a suspension, for about 6 months, of the super chef, master chef shows, so all the young people who are bored and watching cable TV will not turn to these shows and have these dreams about being the master chef of tomorrow. For many of them, it will be a dream that is never realized, although the debt they incur will be realized in a hurry. We think these schools would either have to improve the salary outcomes of their students or cut tuition costs. Either way, that is good for students.

But the for-profit colleges want us to believe that the idea of controlling student debt somehow hurts these students. Look at Corinthian College spending millions of dollars on these ads to stop this accountability. This company is buying full-page print advertising all across America. It owns Everest College, Everest Institute, and Everest University. How many students are enrolled at the colleges owned by Corinthian? It is 112,000, including 20 percent through online courses.

If I did a quiz and asked the American people which institution of higher learning they believe receives the most Federal funds of any institution in America, most people would get it wrong. It is an institution that is owned by a company called the Apollo Group, and it is known as the University of Phoenix. The University of Phoenix has over 450,000 undergraduates enrolled. That is more than the combined undergraduate enrollment of all of the Big Ten schools—450,000-plus. They receive more Federal aid for education than any other institution in America. Next is DeVry out of Chicago—for 75 years—and I might add during the course of testimony before our panel, our investigation did come up with some very positive things to say. I hope what I am about to say is not taken to condemn every for-profit

school. I think some are doing a good job in some areas and they are valuable and should continue. The other is Kaplan University. Kaplan is owned by the Washington Post and is the biggest moneymaker in their corporation.

They have quite a few students. They are No. 3 in terms of receiving Federal aid to education. The fourth school, incidentally, is Penn State University, finally one you would guess would be there. It is a large university with online courses. That gives us an idea of where the Federal money is flowing from student loans and Pell grants. It is going to for-profit schools. They represent about 9 percent of all the students taking postsecondary education. They represent 25 percent of all the Federal aid to education and 43 percent of all the student loan defaults: 7 to 9 percent of the students, 43 percent of the defaults. It is an indication that we have a problem. We are shoveling money in the name of educating students at institutions which are heaping them up with debt and not providing them with training or preparation for a good-paying job.

In 2009, Corinthian—the one buying the millions of dollars in pages of advertising—had $1.3 billion in revenue, up 22 percent over the previous year, and 89 percent of the revenue for Corinthian Colleges across the United States came from the Federal Treasury, from taxpayers, in the form of Federal Pell grants and student loans. That does not include the GI bill, Department of Labor funding or Department of Defense funding.

The company's net income—that is their profit—was $71 million. The CEO of Corinthian Colleges, buying all these ads, was paid $4.5 million in executive pay and other compensation last year. Corinthian spent, out of the money they brought in—89 percent of it from the Federal Government—$295 million in advertising and recruiting in 2009. That is 22.5 percent of the total revenue went to advertising and recruiting.

They are, by and large, a marketing operation: bring the students in, sign them up, bring in the Federal dollars; bring in more students, sign them up, bring in more Federal dollars.

Given the ad campaigns in the newspapers, the amount spent on advertising by Corinthian is likely to go up even higher.

On average, for-profit schools, which receive the lion's share of the revenue from taxpayers, spend 25 percent of their revenue on advertising and recruiting.

What do community colleges across America spend in recruiting students to come to their campuses and classrooms? Not 25 percent of the revenue, 2 percent. They are being outclassed in the marketing battle by these for-profit schools.

How are the students doing at Everest College, for example? Recently, an undercover Government Accountability Office investigator went and took a look. That investigator posed as a potential student and found that the admissions representative at Everest College misrepresented the cost and length of the program and refused to disclose the graduation rate to this so-called potential student—not surprisingly. Do you know why? Only 15 percent of the student loans are being paid by the students who go to Everest; 85 percent of them are not paying on their loans. It shows they are getting into debt they cannot pay off.

Data from the Department of Education indicates that Corinthian, overall—in all their different colleges—has a 24-percent repayment rate. Three out of four students who go to their schools cannot pay the principal on their debt after they finish—three out of four. It is the lowest repayment rate of any publicly traded corporation in this business.

On a recent investor call, Corinthian acknowledged some campuses are at risk of losing their accreditation and that a majority of campuses will have 3-year default rates over 30 percent.

We cannot expect a young student fresh out of high school or someone without worldly experience to launch an investigation about whether a school is accredited. One assumes, if the Federal Government is going to send its money to that school for the students, somebody in Washington is keeping an eye on the school to make sure it is the real thing. The honest answer is we are not. That is why the Obama administration thinks we should change the rules, create more oversight on these schools, make sure Federal dollars are well invested and students do not end up overwhelmed by debt.

An independent analysis predicted that the Corinthian companywide 3-year default rate may be 39 percent. Do you know what that means? Two out of every five students who attend a college owned by Corinthian will default on their student loan within 3 years—40 percent of them.

That is happening despite the company's strong efforts to lower the number of defaults within the government's 3-year window. They are encouraging students to just pay interest on their debt if they cannot pay the principal so they can at least say you are paying something.

Corinthian spent $10 million over the last year to strengthen what it calls default management because they see the writing on the wall. It is indefensible that we are sending this money to the Corinthian corporation. They are heaping debt on the students and not producing an education that leads to a job.

Everett College in Illinois is doing slightly better with a default rate of 25 percent.

Corinthian also offers private loans to students who are in trouble. Listen to this. Corinthian Colleges' chief financial officer, Ken Ord, stated in a Federal 2010 investor call that they anticipate a 56- to 58-percent default rate on the private loans the school makes directly to students.

That is a 56- to 58-percent default rate on an estimated $150 million in internal student lending. Why is Corinthian willing to lend money to the students—their own money—when they know these students are already defaulting on their government loans?

The company is willing to take this loss of $75 million in private student loan defaults because these loans help ensure the Federal loans and Pell grants will keep coming in to these students, despite the fact they are in over their head in debt and have nowhere to turn.

Corinthian Colleges was sued by the State of California in 2007. The State argued it misled students about career opportunities. They reached a $6.5 million settlement in the State of California to refund tuition to former students, pay student debt cancellation, and pay civil penalties.

That was not the first time they had been in court. There have been a number of lawsuits from former students who had spent tens of thousands of dollars for useless degrees and useless certificates from Corinthian and Everest.

Recently, Corinthian and several of its executives are being sued by their own shareholders for allegedly making false and misleading statements about the company's business prospects.

I have questions about whether Corinthian is the education opportunity students are looking for. There are certainly students who have a good experience at one or more of the Corinthian schools, but I wish to share a story that they are not featuring in their full-page ads, arguing that they should not be subject to oversight by the Department of Education.

Last year, Washington Monthly magazine told the story of a student named Martine. At the age of 43, Martine decided to go back to school and pursue a career in nursing. She came across a Web site for Everest College, part of the Corinthian Colleges chain.

Martine was promised hands-on training in state-of-the-art labs and rotations at the Los Angeles Medical Center. She was worried about the $29,000 tuition but was told it would not be a problem. She was going to make $35 an hour as a nurse.

When Martine filled out her paperwork, she was rushed through the process and was not told the terms of her loans, including private loans that carried double-digit interest rates.

The education did not prove to be what she had been promised. The instructors were inexperienced. The lab equipment was old and broken. Instead of the promised rotations at UCLA Medical Center, her clinical training consisted of passing out pills in a local nursing home.

Martine was unable to find a job after she graduated. Instead, she is working as a home health care aide, and she cannot pay back her student

loans. She said: ''I made one mistake, and I will be paying for it for the rest of my life.''

Many of these for-profit colleges argue that we need them desperately because the community college system in America is filled. Not true. Over the last week, I went to Olive-Harvey College, part of the community college system in Chicago. They have new leadership that is inspiring. I said: What is your capacity?

They said: We are at about 50 percent of our capacity. We can absorb many more students in our community colleges.

The cost is a fraction of what these for-profit colleges charge. It is important we give to students the information about the variation in costs for education and training and what they can expect to receive. According to the Department of Education, Everest College in Skokie, IL, costs, on average, $14,000 in tuition and fees for education.

Less than 3 miles away from the Everest campus in Skokie is a school you and I both know, Mr. President—Oakton Community College.

At Oakton, students can earn degrees in the same fields, same certificates for dramatically less. A certificate in medical billing, a program offered at Everest College—the private, for-profit school—for over $10,000 will cost you $1,000 at Oakton Community College, one-tenth the cost of this private school.

The Corinthian ad campaign suggests we do not think the students who are enrolled in their schools count. I disagree with them. I think they count for a lot. They count for our future. I would like to tell the students attending for-profit colleges, it is because they count that we are asking these hard questions.

I see another colleague on the floor, the Senator from Minnesota, so I will wrap up quickly and tell one thing I want students across America to know. First, the standards I wish to impose on for-profit colleges I also wish to impose on community colleges, public universities, and private universities. They should be accredited so their hours are worth taking. They should not promise a job leading from a certificate that is earned there if it is not true. They should have full disclosure to students about what it means to enter into a student loan, and they ought to have some revenue coming in other than the Federal Government.

For many of these, 75 to 90 percent of their revenue comes straight from the Federal Government. When the GAO did the undercover survey of what some of these for-profit schools are saying to students, some of these recruiters were saying to them: I am a recruiter, but I just finished college, and I have a big debt I will never pay back. I am going to have a good job and make a lot of money, so it is OK.

Do you know what happens when you default on a student loan in America? It is time we tell students what they get into if they get in over their heads with a worthless education.

Your loan will be turned over to a collection agency and they may charge 25 percent more to collect what you owe.

Your wages can be garnisheed; that is, they can take it right out of your paycheck.

Your tax refunds can be intercepted by the Federal Government if you still owe on a student loan.

Your Social Security benefits ultimately will be withheld if you end up in debt at that point in life from a student loan.

Your defaulted student loan will be reported to a credit bureau and will remain on your credit history for 7 years, even after it is paid. That means you may not be able to buy a car, a house or take out a credit card. It might be you cannot get a job because of your credit history. You cannot take out more student loans or receive Pell grants to go back to school.

You are no longer eligible for HUD or VA loans.

You could be barred from the Armed Forces and might be denied some jobs in the Federal Government.

I might also add, most student loans are not dischargeable in bankruptcy. When the bottom falls out and you go to bankruptcy court, that is the one that will still be hanging over you when you walk out of that court process.

We have to be honest with students across America and let them know what they are getting into when they get into student loans. I borrowed money. I went to a good school. I think it paid off for me. It was an important decision. I was not misled about my education. I knew what it would get, and I was willing to risk the debt to reach that goal, and it worked. That is a good thing.

For those who are misleading students and burying them deeply in debt, I can tell them the time of accountability has arrived. The Federal Government is going to keep its obligations to the students across America to help them with education, but these schools have an obligation to their students to be honest with them, to be accredited, and to produce training and education that leads to a good-paying job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE RECOVERY ACT

Mr. FRANKEN. Mr. President, I rise to discuss something I regret. I regret that Democrats have allowed the word ''stimulus'' to become a dirty word, one that we avoid using.

The President spoke a few weeks ago about his new plan to invest $50 billion in new infrastructure—projects that will improve safety and transportation. But he never once mentioned the words ''stimulus'' or ''recovery.'' That was probably a smart move on his part because, frankly, the stimulus has gotten a bad rap. But this is a reputation it absolutely does not deserve.

There are Members of this body who opposed the Recovery Act because they thought it would not work or did not jibe with their theory of economics or of how the government should address recessions, and that is fine. They were entitled to vote the way they thought best. But now a year and a half later, we have been able to see the economic effects of the Recovery Act. To deny it has been a success is simply to ignore the facts.

A recent poll showed that a majority of Americans believe that either the stimulus bill did nothing to help the economy or even made it worse. The economic data, however, indicates otherwise. How do we explain this disparity between what people believe and what the data supports?

Members of the American public do not form opinions out of thin air. They engage themselves. They watch the news. They listen to speeches by elected officials. One would expect that watching the news and listening to your elected officials would be a decent way to form an opinion about something. Unfortunately, the talking heads on many of the news shows, along with many elected officials, have been feeding the American public half-truths, at best, about the Recovery Act, and that, frankly, is cheating the American people out of the facts.

Today, I wish to go through some of these claims made by these talking heads and elected officials and then follow it up with some data, and that way the American people can use the facts to decide for themselves.

Let's take claim No. 1 about the Recovery Act, made by one of my colleagues in February: ''It didn't create one new job.''

The Congressional Budget Office—the arbiter and referee of economic questions that we in the Senate all have agreed to abide by—reports that the Recovery Act has increased employment by 1.4 million to 3.3 million people. A separate report issued by two respected economists corroborates CBO's estimates, putting the figure at about 2.7 million jobs. That report was issued by Alan Blinder and Mark Zandi. That is Mark Zandi, who, incidentally, was a key economic adviser to the John McCain Presidential campaign in 2008.

I understand that economic analysis has a lot of errors; that estimating jobs figures is very complex and it is difficult to determine whether a job was created or saved. But when CBO and respected economists agree that employment has increased by millions of jobs, is it at all plausible that the Recovery Act didn't create a single new job? Well, of course it is not. But that doesn't seem to stop some misinformed souls from claiming that.

Let's tackle the second claim. My friends on the other side of the aisle often imply that tax cuts would have been more effective than the Recovery Act. But perhaps they have forgotten that over one-third of the stimulus package in the Recovery Act was comprised of tax cuts—$288 billion of it.

Unfortunately, the tax cuts were designed in a way so that many Americans didn't notice they were getting them. An extra 20 bucks on your paycheck adds up for you and the economy over time but people don't notice it as they do when they get a big lump sum rebate or refund. But here is the thing about lump sum refunds. People like to save them or pay off debts with them. When you get an extra 20 bucks in the paycheck, you are more likely to spend it, giving the economy a boost.

This explains one unfortunate paradox of the Recovery Act. Because the tax cut was well designed, it helped boost consumer spending, but nobody noticed it. But that is not a failure of Recovery Act policy, that is a failure of getting the message to the American taxpayers. The tax cuts in the Recovery Act did their part. According to CBO, tax cuts for those in lower income brackets increased GDP by $1.70 for every dollar in tax cut.

For those who would argue the Recovery Act should have been only tax cuts, consider this: While tax cuts for lower brackets yielded a $1.70 GDP boost, tax cuts for higher income earners and companies only raised GDP by 50 cents per dollar spent, and neither of these figures compares to the return on the Recovery Act's public works investment—an impressive $2.50 increase in GDP for every dollar spent.

After tax cuts, another substantial portion of the stimulus was fiscal aid to States. The Recovery Act provided about $224 billion to States so they wouldn't have to slash essential State programs. State budgets across the country are in dire straits. The Center on Budget and Policy Priorities estimates 46 States will have budget shortfalls this year. Over the past 2 years, the Recovery Act has helped fill in a large percentage of State fiscal gaps.

Imagine where State budgets would be had they not received assistance from the Recovery Act. Imagine the layoffs of teachers and firefighters and law enforcement, and of people who deliver key social services, for which there is far more demand during an economic downturn.

Let's look at another misleading claim—that the Recovery Act failed because it didn't keep the employment rate under 8 percent, as President Obama promised. Well, it is true that President Obama's advisers did not accurately forecast the gravity of the unemployment crisis. But, frankly, nobody did. And because of the lag in unemployment data, we now know that unemployment had already surpassed 8 percent by the time the Recovery Act was signed into law.

Let me walk you through this, because it is interesting, I promise. The claim about Obama's promise of keeping unemployment down actually came from a report issued by Obama's advisers on January 9, 2009—before he took office. In early January, we only had access to job numbers through November. Back in November 2008, unemployment was about 6.9 percent. By December, it had risen to 7.4 percent. But the Recovery Act wasn't signed until February 17, and by February the unemployment rate had risen to 8.2 percent.

So the unemployment rate was already over 8 percent when the Recovery Act was signed, let alone had any chance to go into effect. By that time, Obama's advisers, along with most other economists, had realized the tide of unemployment was going to be much more severe. So it is fair to say that President Obama's advisers underestimated the coming employment crisis, but it is not fair to say that unemployment exceeding 8 percent was a failure of the Recovery Act. It is preposterous to say that because the report issued by Obama's advisers contained an economic forecast that later proved to be inaccurate, therefore, Obama lied or that he broke his promise or that he is an expert in snake oil, as I heard a talking head on a Sunday show say. A forecasting error is not a lie.

Let's look at another claim. As an elected official has stated:

> According to the Bureau of Labor Statistics, since the stimulus was passed we have lost 3 million real jobs, 2.4 million net jobs in this economy and all the calculations and reports from the White House are not going to change the fact that their economic stimulus bill has failed.

Okay, this is a fun one because, technically, the first part of the claim is correct—since the Recovery Act, we have had a net job loss.

Here is a chart illustrating the job losses mentioned. These are job losses, here. See. You may notice a trend. I am going to show another chart that might put this more in context. You may notice a trend here. This is President Bush. If we had a slide whistle, it would whistle up on the scale. And if you had a slide whistle for here—here is the Recovery Act—it would whistle up on the scale. There is a trend. You can tell by my slide whistle that the Recovery Act was clearly a turning point. We went from a downward slide to a relatively upward climb. It is not as fast as we would like, and things have been slightly stalled of late, but clearly—clearly—we are doing much better.

This is Bush's last day in office.

In fact, one could make the argument that the stimulus was key in reversing our slide into a depression. In fact, that is pretty much exactly what Blinder and Zandi have said about the Recovery Act. Remember, this is Mark Zandi, who was JOHN MCCAIN's economic adviser. The Blinder-Zandi report sums it up this way: The government response to the crisis ''probably averted what could have been called Great Depression 2.0.'' Again, from the adviser to the 2008 Republican Presidential candidate.

I think avoiding a depression is, on balance, a good thing, and I think most Americans would agree. And if they knew the facts, they would thank President Obama and the Members of Congress who kept us from sliding into another Great Depression.

Let's look at a fifth claim. A prominent elected official said recently that he thinks the Recovery Act created only bureaucratic government jobs—only bureaucratic government jobs. In response to that, I wish to show a few recovery projects in progress in my State of Minnesota. You can judge for yourself whether they are bureaucratic government jobs.

I am not sure how the cameras work here in the Senate for those watching on TV, but maybe they can push in here on Jamie, a Local 361 carpenter from Cloquet, MN. Here he is performing scaffolding work on the north tower of the Duluth aerial lift bridge. He is doing this in January 2010. The Duluth aerial lift bridge, I think, is the largest in North America. The south tower will be completed this winter as part of the two-phase $5 million project funded by the Recovery Act.

Jamie, his wife and two children—aged 19 and 14—went without health insurance for 13 months when he was on unemployment. He was hired for this job last winter and worked enough hours on this job to get back on health insurance. The Recovery Act has enabled Jamie and his family to get back on their feet. I ask you: Does Jamie look like a government bureaucrat?

How about Cecil? Here is a picture of Cecil. I want to ask you: Does Cecil look like a bean counter for OMB? Cecil is pictured here working on the Highway 610 extension project in Brooklyn Park, MN. He is building 6 miles of sound walls. I attended the groundbreaking ceremony for this project. So did a Republican Congressman from this district, who voted against the stimulus package. Cecil had been unemployed since 2008 before being hired onto this Recovery Act-funded project. He has told us he is very thankful for the opportunity to earn a living wage to support his family.

Next, we have Spencer, a Local 49'er crane operator for a contractor named LUNDA, working on the 694/35W widening of bridge and on and off ramps—a $2.5 million project. There are 11 onsite contractors—private contractors—working on the project. Spencer, who is 23, is from Isle, MN, and was unemployed until this job came along. Spencer told me:

> I wasn't working until this job came along . . . investing in our country's infrastructure is an investment in my financial fate and family's future.

As I said, his Local 49'ers run heavy machinery. I don't know about you, but I don't know many Washington bureaucrats who can safely operate heavy machinery.

Who is next? Matthew and Randy, both Laborers Local 563. They had been employed by contractor CS McCrossan for 7 and 13 years, respectively, before they were both laid off last fall. But this spring, they were hired back to work on several different Recovery Act-funded projects. They are pictured here working on a pedestrian replacement bridge on 49th Avenue Northeast over Central Avenue in Columbia Heights, MN. You can see them. They are, you know, a couple of CBO paper pushers, I guess.

Next we have Sheila. Here she is working on the night shift on the I–94 rehabilitation project. I–94 is a huge interstate highway in Minnesota—a very important artery. Sheila is new to the construction industry but her work ethic has led her colleagues to comment that she has a bright future in the industry. These are just a few of the 70,000 Recovery Act projects happening across our country.

Here is another project in Two Harbors. These guys are building a water tower. In addition to five crews of workers on the project, the tower tank is made of 723,000 pounds of American steel. Let's get a picture of it; looks like a little more in progress—723,000 pounds of American steel, and the rebar is another 33,000 pounds of American steel. So additional American workers made this steel. More American workers mined the iron, Minnesotans on the Iron Range—Minnesotans. More jobs. I visited Two Harbors on September 6, just a few weeks ago, and personally saw this project in progress.

As you can see, these folks are not in suits and ties shuffling papers; they are building bridges, they are building roads, they are building water treatment plants and water towers. These projects are going to improve transportation and the health and safety of people in Minnesota. Because of these jobs, made possible by the Recovery Act, they will keep a roof over the heads of their families, put food on the kitchen table, send their kids to college, and, yes, buy stuff.

Another vital component of the Recovery Act that is often overlooked is its expanded funding for unemployment insurance that helped keep 3.3 million unemployed people, including 1 million children, out of poverty in 2010.

Another overlooked but critical program in the Recovery Act is the funding for Head Start. The $2 billion allocation preserved Head Start and Early Head Start programming for 64,000 children across the country—over 900 in Minnesota alone. These programs are helping the most vulnerable kids, kids in our communities.

It is simple. Economic analysis suggests that the Recovery Act boosted demand, created millions of jobs, kept families in their homes, and helped the economy start growing again.

Let me tell you what I love about being a Senator as opposed to being a candidate for the Senate. I think most of my colleagues can relate to this. The Presiding Officer has been a statewide candidate many times. When you are a candidate, you are speaking mainly to your own people. If you are Republican, you are speaking to Republicans to get the nomination and then to get out the vote. If you are a Democrat, you are doing the same. But as a Senator, you talk to everyone.

As Senator, I have been privileged to go all around the State of Minnesota and talk to folks at economic development meetings. I have talked to county commissioners and mayors and city councilmen and small businesses and community bankers. You know what. I don't know what party they are in, and I don't care. We are trying to get people going. We are trying to get the economy moving. Everywhere in Minnesota, do you know what these folks say to me? Thank you for the Recovery Act. Thank you. Thank you for the teachers we are able to keep on here in Brainerd, the firefighters, and for the Workforce Investment Act funds so we are able to train people for jobs that were available but didn't have trained people for. Thanks for the highway underpass so school buses do not have to cross the train tracks or an ambulance doesn't have to cross the train tracks. Thanks for funds for the wastewater plant or for rural broadband or for the weatherization of public buildings—speaking of which, Michael Grunwald, writing for Time Magazine, wrote this:

> The Recovery Act is the most ambitious energy legislation in history, converting the Energy Department into the world's largest venture-capital fund. It's pouring $90 billion into clean energy, including unprecedented investments in a smart grid; energy efficiency; electric cars; renewable power from the Sun, wind and Earth; cleaner coal; advanced biofuels; and factories to manufacture green stuff in the U.S. The act will also triple the number of smart electrical meters in our homes, quadruple the number of hybrids in the Federal auto fleet and finance far-out energy research through a new government incubator modeled after the Pentagon agency that fathered the Internet.

A few weeks ago, I heard a prominent conservative talking head on one of the Sunday news shows describe the Recovery Act this way. He said:

> If I pay my neighbor $1,000 to dig a hole in my backyard and fill it up again, and he pays me $1,000 to dig a hole in his backyard and fill it up again, according to the national income statistics, that is a $2,000 increment to GDP and two jobs have been created. The American people understand, however, there is no real wealth created in this kind of transfer payment.

How offensive. How out of touch. Yet this is why so many Americans believe the Recovery Act has not created any jobs or just created jobs for bureaucrats.

I worry that my speech today is too little, too late. I worry that most Americans have already formed their opinion about the Recovery Act based on the inaccuracies they hear from beltway pundits or from elected officials. But I challenge these talking heads and these elected officials to find the Spencers and Sheilas and Cecils and Randys in their State, go out and watch them work or talk to a teacher in a classroom or a cop on the beat. They are not digging and filling holes in their neighbor's backyard. They are doing skilled work, necessary work, hard work rebuilding our roads, teaching our children, and getting paid for it. With their paychecks, they buy food for their families and make their car payments and maybe buy a new one, which generates more demand. That is an economic recovery in the making.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB.) Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

## U.S. SENATE STAFF: GREAT FEDERAL EMPLOYEES

Mr. KAUFMAN. Mr. President, last week I stood at this desk and recognized my 100th and final great Federal employee. Since May, I have come to the floor each week to share the stories of dedicated men and women who have chosen to work in public service.

Honoring these individuals has been truly one of the highlights of my time in office. As my term nears its end, I look over at this mosaic of dedicated government employees, and I hope that these speeches each week in their honor have drawn attention to the excellent work they have done and continue to do for our Nation.

At a time when politicians express their frustration with lack of progress by attacking nameless, faceless Washington ''bureaucrats,'' I thought it important to shed light each week on the face, story, and accomplishments of individual Federal employees. In that way, in my own small way, I hope I have helped remind people that those who pursue government work are constantly trying their best, often at great personal sacrifice, to make this a better country and a better world.

These 100 are a microcosm of our government workforce; as I have said before, they are not exceptional but exemplary. They come from over 40 departments, agencies, and military service branches. They represent a Federal workforce of 1.9 million.

Just as we 100 Senators are a snapshot of the American people, these 100 great Federal employees are a snapshot of the hard-working men and women who serve the American people every day.

But, just as it takes more than a 100 great Federal employees to carry out the work of the American people, it takes more than us 100 Senators to perform the work of the U.S. Senate. This week, in closing my series of speeches

honoring public service, I want to recognize the untiring efforts of U.S. Senate staff.

I am not only speaking of those who work for Members as personal staff. I mean everyone here who has a role in making the Senate work, including those who work in the cloakrooms, the Parliamentarian's staff and that of the clerks, those who provide support services through the Sergeant at Arms and the Secretary of the Senate, the men and women who serve as Capitol Police, and so many more. Over 7,200 people work as Senate staff in personal offices, for committees, and for the various services that keep the modern Senate functioning.

All of them know well the importance of the Senate in our system of government and the role it plays binding our large and diverse Nation together. Indeed, on the west pediment of the Dirksen Building it is inscribed: ''The Senate is the living symbol of our union of states.''

It is a living symbol in that we rely upon a deliberative group of wise men and women to smooth out our differences and keep fastened securely our union's many parts.

We cannot do this without the help of our staff. They brief us on issues and provide up-to-the minute research. They are our link with executive agencies and the military. They maintain our busy schedules and keep us on time, or mostly so. They form a network that links our offices together with one another and make bipartisan deals possible. Most important, they keep us connected to our constituents while we are here working for them in Washington.

Who are these staffers, and what brought them to these Halls?

Many of them are young, in their twenties and thirties. They have an energy and passion for the issues on which they work. Those who stay more than a few years often spend their whole careers here, becoming some of our Nation's leading experts in their issue areas. Just like Members, staff preserve the institutional memory of this body and pass on its traditions and history.

We have staffers from both civilian and military backgrounds. Every profession and field of education is represented here. Senate staffers have trained as doctors, lawyers, writers, farmers, nurses, engineers, teachers, manufacturers, the list is endless. They come from every State and territory in the Union.

They are creative and intellectual, pragmatic and imbued with good-old common sense. Senate staffers are diverse in both their origins and their ideas.

The paths that led them to the Senate are diverse as well. Staffers have come here because they are driven by a shared love of country and they long to play a constructive role in our Nation's history. One of the common traits of Senate staffers is that, when asked, they will say that there is something truly special about working in the Capitol and these impressive office buildings. Their eyes light up talking about the history and gravity of this place. They share the great feeling of excitement from living inside the news.

Staff work under the long shadows cast by this body's Members. Infrequently seen in the public spotlight, nevertheless their hands mold and shape everything we debate and pass. Here no 2 days are the same; there is no routine.

I like to think that my staffers are the best, but I know that every Member or Senate officer thinks his or her staffers to be the greatest. I would never dare dispute any of them.

Senate staffers share in common a deep sense of pride in their public service. They share the experience of walking through these august Halls and feeling goose-bumps from the power and weight of history and their palpable role in it. On both sides of the aisle they all want America to be strong, prosperous, and safe.

Senate staffers are so great because they take their jobs so personally.

This is why they work so hard. It is why they are here on weekends, drafting legislation, hammering out deals across the aisle, and advising their Members on the next day's votes. It is why front desk staff assistants are so compelled to engage with the constituents who call in with questions about bills.

It is why security guards, maintenance personnel, and those who work in the Printing, Graphics, and Direct Mail division trudged through the snowstorm to get here when all other government offices were closed. It is why all kinds of staff are here past midnight regularly.

I was a Senate staffer for 22 years. My service as chief of staff to JOE BIDEN gave me the chance each day to work with wonderful people on both sides of the aisle who came to the Senate motivated by love of country. Many of those with whom I worked during those days went on to other jobs in government and continue in public service today. A number of former Senate staffers now serve in the House of Representatives and in this Chamber.

As I come to the end of this series, I cannot help but think about all those great Federal employees I have not had a chance to honor from this desk. There are so, so many. They are the unsung heroes that keep our Nation moving ever forward.

I hope my colleagues and all Americans will join me in thanking those who serve and have served as staff here in the U.S. Senate. They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. CASEY and Mr. DURBIN pertaining to the introduction of S. 3849 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. ENZI are printed in today's RECORD under ''Morning Business.'')

Mr. ENZI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GOODWIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GOODWIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

UNANIMOUS-CONSENT REQUEST—S. 3671

Mr. GOODWIN. Mr. President, I rise to talk about an issue of incredible importance to my home State of West Virginia, to the Presiding Officer's home State of Virginia, and, indeed, to our entire country; that is, the safety of our coal miners.

Unfortunately, during the past 4 years, West Virginia has dealt with three significant mining disasters. On an early morning in January 2006, an explosion rocked through a central West Virginia coal mine killing 12 people. Less than a month later, tragedy struck again at a mine fire in Logan County, where two more miners were lost, and just this past spring, West Virginians mourned, yet again, when 29 of their neighbors were lost in the worst coal mining disaster in nearly a half century.

Through these tragedies, our Nation was sadly reminded of the dangers and risks miners face every day to provide a living for their families and affordable energy for our country. We collectively were reminded how important it is for miners, companies, and regulators to work together to keep our mines safe. Finally, we witnessed how my fellow West Virginians have come together in the midst of crisis and in a time of tragedy.

Yet the story of West Virginia lies not simply in such tragedy but, rather, in the story of thousands of West Virginians who go to work every day to produce nearly half the electricity consumed in this country. It is a story of good-paying jobs with benefits that help form the foundation of strong families and strong communities across my home State. It is a story my predecessor, Robert C. Byrd, knew very well.

In remarks he gave as a young Congressman in his maiden speech on the floor of the House of Representatives nearly 60 years ago, Senator Byrd emphasized the importance of coal in a

speech lamenting our Nation's increasing dependence on foreign oil, remarking in that 1953 speech:

> We . . . must pursue not a policy that is detrimental to the economy of this nation and which impairs its strength while enriching other nations, but a policy that will strengthen our beloved country.

Those are words that certainly resonate and ring true today, which is why we should continue our efforts to develop technologies that allow our country to harness this abundant energy source in a cleaner way, such as the bipartisan carbon sequestration bill put forward by Senators ROCKEFELLER and VOINOVICH.

Coal can and must be a part of the solution to the energy challenges of the 21st century. West Virginians know this and understand that our future depends on our ability as a nation to extract and burn coal more cleanly. West Virginians simply want to be part of that conversation and part of the solution.

As we move forward to ensure coal's vital role in the future of our economy, we must simultaneously also keep our focus on assuring that mines remain safe. It is not simply about preventing or investigating a large-scale disaster when that may capture the attention of the Nation and the world for a brief period of time. Rather, when tragedy strikes in a coal mine, it is usually far away from satellite trucks, international media, and the glare of television cameras. All too often, when a coal miner is seriously injured or perishes or succumbs after a battle with black lung disease, it is simply a community and a family who mourns quietly.

I would note that in addition to the 29 miners lost at Upper Big Branch, another 15 coal miners have been killed on the job so far this year, and it is only September.

Sadly, these deaths often go unnoticed by the country at large. The loss is just as great and just as tragic to the families, which is why everyone must remain committed to coal mine safety each and every day and each and every shift.

I know my colleagues in the Senate understand this and have taken this responsibility seriously. The changes brought about in 2006 after Sago and Aracoma were significant and positive. I was privileged to have played a small role in drafting legislation in West Virginia to help form part of the basis for the Federal MINER Act—the first comprehensive mine safety legislation passed by Congress in nearly 30 years.

Our work, however, is not complete. In his final months of service to West Virginia and our Nation, Senator Byrd was working with Senator ROCKEFELLER to craft and push additional mine safety legislation. During my brief tenure in this body, that has been a fight I have been honored to carry on. Although these efforts may not be completed during my tenure, I have every confidence that the Senate will continue its hard work on passing additional coal mine safety legislation.

There are serious issues that additional legislation needs to address. We need comprehensive and targeted inspections and increased transparency in mine safety recordkeeping. We need a sophisticated and effective way to separate good operators from the bad. For those who are irresponsible, we need enhanced oversight and enhanced penalties. We need to strengthen protection for miners who speak out about unsafe conditions and make certain their livelihoods are not jeopardized when they choose to do so.

Although my time in the Senate is not long, it has been and will always remain my enduring privilege to have served in this body alongside so many dedicated public servants, including and especially my friend, colleague, and senior Senator from West Virginia, JAY ROCKEFELLER. My remarks here today are on behalf of the State we represent and her people whom we both revere.

No coal miner should have to go to work fearing for his safety, and no coal miner should fear for his job for raising concerns about that safety. Coal mine safety is workplace safety, and it is the right thing for our country to do.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Senator from West Virginia wishes to continue as in morning business.

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

Mr. ROCKEFELLER. Mr. President, in the Senate, the core job, obviously, of any Senator is to do all we can every day to help our constituents. It has been such an honor for this Senator to stand with our newest Senator from West Virginia, CARTE GOODWIN, and work with him to do exactly that.

Before joining this body, Senator GOODWIN made serving West Virginia his focus in everything he did—as an attorney; general counsel to our Governor; chairman of the School Building Authority, which is a very complex matter—and all the while exuding enormous character, great character, dignity, and always keeping West Virginia families first and foremost in his mind.

It has been interesting to watch him on this floor in this relatively short period of time in which he has been a Senator and still is—the way people come up to him, see him as a breath of fresh air, respond to his intelligence, his integrity, his modesty, and his very smart brain.

Senator GOODWIN comes from a family deeply committed to public service that has taught him to work very hard, to give back, and be proud of where he came from. I respect him a very great deal.

More importantly, he has a deeply ingrained sense of what matters to West Virginia. He does not come from one of our big urban counties. He comes from a very small rural county, Jackson County. He knows what working families need. He knows what people who represent them in Washington need to bear in mind. As I say, his character is strong, his work ethic is unmatched, and his heart is always in the right place.

So it is a sad day for me, in a sense, because I respect him so much and like him so much and I will not be hearing him enough, except if he is dissatisfied with my work, in which case he can call me and tell me that and I will be taking copious notes.

I join Senator GOODWIN to talk about an issue that impacts the lives of every American in this country; that is, workplace safety.

This past April, as West Virginia's other Senator has mentioned, we suffered the worst mining disaster in 40 years in this country. It was statistically shocking, it was personally horrifying, and deeply poignant. Twenty-nine miners were killed in an explosion at the Upper Big Branch Mine in Montcoal.

I was there with the families as we hoped and we prayed for any sign that their loved ones would emerge. For the most part, they did not. The sorrow and hurt and anguish I saw on their faces is unimaginable and indescribable. It is something that no family should have to go through, but it happens in West Virginia and, as it turns out, in other States.

But mining tragedies are not just happening in West Virginia. Nearly one-third of our States have experienced mining disasters this year, including Alabama, Arizona, California, Idaho, Illinois, Indiana, Kentucky, Minnesota, Montana, Nevada, New York, Oklahoma, Tennessee, and Utah. Yet the mining industry is not the only industry where significant improvements to workplace safety are necessary. We have seen major disasters take the lives of hard-working Americans employed in a variety of other industries: 7 dying in a refinery blast in Washington, 6 in an explosion at a clean energy plant in Connecticut; 11 died with the BP Oil rig disaster off the coast of Louisiana which we all know about.

In fact, there were more than 4,300 workplace deaths in the United States in the year 2009, this year not having been completed, but it is a decent benchmark. That is 11 deaths each and every day of the year—11 men and women who went to work but did not return home to their loved ones.

This is America. We are the greatest country on Earth. All of us together must do more to protect the lives of these workforces. That is why Senator GOODWIN and I introduced the Robert C. Byrd Mine and Workplace Safety and Health Act of 2010.

Senator Byrd worked diligently with the two of us on this bill, as have Chairman HARKIN, Senator MURRAY, and obviously Senator GOODWIN. They are committed advocates to the working men and women of our country and

in our State, and I wish to thank them for their tireless dedication to doing what is right.

This legislation contains commonsense proposals that will give Americans the peace of mind that comes from safe working conditions. It fixes the broken ''pattern of violations'' process which was meant to give MSHA authority to crack down on mines that repeatedly violate our laws, but has never been effectively implemented, this process. It takes a hard look at MSHA itself to make sure it is doing its job by creating an independent panel to investigate the Mine Safety and Health Administration's—MSHA's—role in serious accidents. In these matters where regulation is done on discrete and for the most part invisible industries, the people who do the regulating and the checking need to be looked at carefully, just as do those who operate coal mines. It gives teeth to existing whistleblower protections so miners can come forward to report safety concerns. It gives MSHA additional tools to keep miners safe, including the ability to subpoena documents and testimony outside of the public hearing context. This is something which OSHA has, and it is amazing to me that MSHA has not had it and does not have it. If this bill were to pass, it would happen.

Finally, sort of, it provides protections that will apply to workers across, as I indicated earlier, all industries; greater rights for victims and their families to participate in investigations and enforcement actions; updating civil and criminal penalties; and the requirement that hazardous conditions be addressed immediately so that litigation doesn't shoot right into the middle of it and delay the whole process.

Over the past few months, I have been working with my colleagues on the HELP Committee on bipartisan legislation—and I deeply appreciate the efforts of Senators ENZI, ISAKSON, and HATCH on the Republican side. I have worked closely with Senator ENZI and ISAKSON in the past on other matters, first with Senator ENZI on, of all things, the President's Commission on Coal back in the 1970s when he was mayor of Gillette, WY, and later with both him and Senator ISAKSON to pass the MINER Act which came right after the Sago disaster.

I stood with both Senators ENZI and ISAKSON at the Sago disaster as we tried to comfort families, as we sat in circles and Senator ISAKSON and Senator ENZI seemed to—well, Senator ENZI comes from a coal-producing State, Senator ISAKSON does not—but both of them profoundly related to the families. It was very clear in their voices and what we saw in their eyes, and the families felt it. I know they care deeply about coal miners.

But it is also no secret that I am deeply frustrated we have yet to produce a bipartisan bill. The families of the Upper Big Branch are wondering, What is the holdup, and, quite frankly, so am I.

The provisions that should be included in a strong workplace safety bill are not that hard to figure out. In fact, they are the very provisions Senator GOODWIN and I have included in the Robert C. Byrd Mine and Workplace Safety and Health Act, which is why I come before the Senate today to at the proper time ask for unanimous consent that our legislation be passed.

Before I ask for unanimous consent, which I will do, I wish to address three of the main objections I have heard from my colleagues on the other side of the aisle. First, my colleagues on the other side of the aisle have expressed concerns that including workplace safety standards for all industry amounts to overreaching. I am sure the loved ones of the workers who died at the refinery, at the clean energy plant, and the BP Oil rig would see things a little bit differently. I am sure they would tell us that this bill cannot simply be about mine safety alone—although that is huge and the bulk of the bill—we must include important Occupational Safety and Health Administration provisions that cover all industries. OSHA, for example, does have subpoena power, and it does cover all industries, but it too needs to be strengthened.

Second, my colleagues have questioned whether MSHA, the Mine Safety and Health Administration, needs adequate subpoena authority. The idea that a law enforcement agency such as MSHA does not have subpoena power to proactively make mines safer is, to me, unimaginable. We are seeing problems with the existing system right now. The State of West Virginia's subpoenas in the Upper Big Branch investigation are being challenged in court—totally predictable. The intent, of course, is to challenge them in court before they can be effective and to prevent the questioning of company officials and others with vital information. That is the story of mine enforcement in the coal fields.

Third, it has been suggested that we do not have enough data to support additional whistleblower protections for coal miners. Let me answer that by saying that back in April, the Health, Education, Labor, and Pensions Committee heard testimony from Jeffrey Harris, a miner from Beckley, WV. Jeffrey told us—I was there—what it was like to work for Massey Energy. This is quoting Jeffrey Harris:

> Either you worked or you quit. If you complained, you'd be singled out and get fired. Employees were scared but, like me, they have to feed their families. Jobs are scarce, and good-paying coal mining jobs are hard to come by.

The Presiding Officer knows exactly what I mean. We are looking at $60,000-plus salaries, mostly in the very rural areas of our States, the southwestern part of the Presiding Officer's State, and it is quite true. What is somebody to do? They have a $60,000 salary or they have nothing, because jobs in those areas are not plentiful or, in some cases, simply don't exist.

To continue, in May, the House Education and Labor Committee held a hearing in Beckley, WV. We heard testimony from miners who have worked at Upper Big Branch and one of those miners, Stanley, nicknamed ''Goose,'' Stewart told us that:

> No one felt they could go to management and express their fears. We knew that we would be marked men. And the management would look for ways to fire us. Maybe not that day, maybe not that week, but somewhere down the line, we would disappear. We'd seen it happen.

So enough is enough. No employee should be fired for reporting safety concerns. A lot of manufacturing companies—I am thinking of Toyota in West Virginia—have the assembly line and they have a rope that goes all the way down. If any worker sees any problem of any aspect, whether it is real or he imagined it or whatever, he pulls that rope, the production line shuts down, and the manager comes over and they fix the problem if it exists. But the comfort that brings to the worker is a very small price to pay for very well-made cars.

Finally, my colleagues on the other side of the aisle have expressed concerns about reforming the pattern of violations process. The pattern of violations process, which does not sound very interesting but which is usually important in bringing things to a head, to justice—was intended by Congress to allow MSHA to take action against operatives that refused to follow our laws. But to date, no mine has ever officially been placed on pattern status. Why would that be? Well, one can only speculate.

I think everyone agrees that the process must be fixed, but what I don't want to do is to tie MSHA's hands or to dictate a formula that will virtually guarantee that no mine is ever placed in pattern of violations status. I want a proactive system, one that will identify troubled mines before accidents happen and one that focuses on rehabilitating mines that are having problems.

Mr. President, at this point, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 3671, the Robert C. Byrd Mine Workplace Safety and Health Act of 2010, and that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motions to reconsider be laid upon the table; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as the Senator from West Virginia notes, the only change in mine safety law that was

made was with his and my leadership and several others. That was the first change in 30 years. I know he is aware that in the area of OSHA, the only legislative changes that have been made in the 28 years the law has existed were under my chairmanship, with me as a major sponsor. So I am interested in safety.

The Republicans weren't invited to work on a bipartisan bill until 2 weeks before the August recess. We had our staffs work through the entire recess. There were numerous meetings. We were making great process. I think we had agreed on 14 different parts or so. We still had six or so provisions that were in the process of negotiation, but very close, and seven or so that the Senators themselves would have to work out. So I am disappointed that was called off. It was not called off by my staff. I think we could have had a bipartisan bill that would wind up unanimous on this side like the last one, with only a few objections on the House side.

So I am disappointed my colleague is attempting to bring up a bill with no bipartisan support at this late stage of the Senate schedule. They went back to the original one, not the one we have been negotiating. If the majority truly wanted to pass a bill on this issue, we would have continued those bipartisan negotiations, or they could have taken this bill through the Senate procedure and allowed a hearing and a markup on the bill.

As I stated last week on the floor, if this were to be brought up this way, I would have to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. Mr. President, having objected, I would like to take a moment to clear up some confusion about what caused the breakdown of bipartisan negotiations on mine safety legislation last week.

The terrible tragedy that occurred in West Virginia this past April has focused us again on the strength of our Federal mine safety laws and regulations. As a Senator from a State that leads the Nation in coal production, I have always considered workplace safety as one of the most important missions of the HELP Committee and I have been pleased to work across the aisle to improve safety. That is exactly what I have tried to do this year as well with my colleagues from West Virginia and members of the committee.

As my colleagues well know, negotiations had been making significant progress until we ran into a stumbling block known as the election cycle. The staffs of seven Senators had been meeting several times a week for over 2 months and all throughout the recess period. Agreements had been formed on over a dozen important proposals, and several more important ones were right on the brink of compromise when the talks were abruptly called off until after the election. Despite what has been said in the press and on this floor, the simple fact is that we might well have had an agreement by now if the majority hadn't decided they would rather have an election issue. Certainly, it is not for me to consult on the political calculations of my colleagues. But it seems to me that political theatre and failing to work together to get important things like this done are exactly what the American people are so frustrated by this year.

We are serving this Nation best when we work together to accomplish the people's business. The formula is not that complicated and, really, anyone can do it:

Bring both sides together for discussions,

Establish agreed upon goals and work toward agreement on those goals,

Consult with stakeholders that will be affected by the changes being discussed,

Once substantial agreement has been reached, determine which issues the sides will never be able to agree upon, and set those aside for another day's debate. This is what I call the 80–20 rule.

This formula has worked in the past for the very issue we are discussing today—mine safety. In 2006, when I was chairman of the HELP Committee, we were faced with a string of tragic mine accidents in West Virginia. In response to the first one, Senator ROCKEFELLER and Senator Kennedy organized a trip to Sago, WV, to meet with miners, victims' families and investigators. The three of us, along with Senators ISAKSON, MURRAY, and Byrd, then began negotiations and were able to come up with an agreement in less than 2 months—the MINER Act, which was the first major revision of the Mine Safety and Health Act since 1977. This bill made important improvements to the emergency preparedness of underground mines and has fostered tremendous improvements in communications technology adaptability to the underground environment.

One of the reasons I am so proud of the MINER Act is that we wrote it in the way I believe all legislation should be drafted. We brought in all of the stakeholders—the union, the industry, the safety experts, the Mine Safety and Health Administration—MSHA—and we sat them all around the table and worked through the biggest safety concerns and the best way to approach them. Because of the bipartisan nature of the bill, it sailed through a committee markup, was passed by the Senate unanimously a week later, and passed the House 2 weeks later with just 37 House Members opposing. One more week later it was signed into law. That is how it was done.

During my tenure as the chairman of the HELP Committee, we were able to move 27 bills to enactment this way. In total, we reported 35 bills out of committee and, of those, 25 passed the Senate. This is the kind of cooperation and accomplishment Americans are demanding, especially on an issue as important and timely as workplace safety.

Every day, thousands of Americans go to work in the energy production industry. The work they do benefits every single one of us and underpins our entire economy. This year, major accidents in the energy-producing sector have taken the lives of 29 men in West Virginia, 6 in Connecticut, 7 in Washington State, 3 in Texas and 11 men off the coast of Louisiana.

If there was ever a time to work together to actually enact legislation, as opposed to playing at political theatre, this should be it.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first, I wish to reemphasize how much I respect Senator ENZI, the senior Senator from Wyoming, and the fact that he is quite right about the MINER Act and what took place after Sago, which was another rural spot in West Virginia where a number of people were killed—a lot of anguish—and it was the first time in 30 years that there had been any revision of the Federal mine safety laws.

I have to say, though, that the bill we passed, the MINER Act, was not fully—because it had to pass through the committee at that time that was controlled by the present minority, it did not come out as strongly as I would have preferred. However, it was a good bill and has had a good effect in mining.

One of the aspects of mining, which is hard for people to understand, is that there is no margin for error. There is no margin for it. It is a discreet industry, which, for the most part, is carried on out of sight—in this case, underground. The great majority—I would say well over 95 percent—of West Virginians and people from the Presiding Officer's State have never been underground—or I guess sometimes Senators and Congressmen and Cabinet officers.

Obviously, I am disappointed that my colleague objected to this bill. However, I very much believe Senator ENZI when he said that he wants to start working on a bill that will keep people safe. I point out to him that at no point did we call off the negotiations. We were simply at the end of the work period, at the end of August, and there had to be a period of negotiation going on with the staff, and we would come back and take the fruits of that negotiation and go ahead and work on the bill. That is what I would have wished to have seen happen, and what still can happen. As I listened to the Senator from Wyoming, I believe he wants that to happen. As it turns out, so do I, and I am sure Senator GOODWIN does too.

People are counting on us to get this done. They deserve nothing less. I look forward to working on this. Obviously, it cannot be passed now. We have our work to do, but then again we have our work to do in any event.

Senator GOODWIN and I and Senators PATTY MURRAY and TOM HARKIN wanted to lay this down as a benchmark of what a mine safety bill should be. It probably won't end up being in a bill, but that doesn't mean it should not be this bill. You can't do everything at once, and I understand that. I have faith that the process will produce—as the Senator indicated, a number of things were agreed on by Senators, and sometimes I wish it were the Senators negotiating with each other; I think we would get a better bill.

In any event, I have faith in the future, and we all have the eyes of 29 miners and so many others looking down on us waiting for us to take action.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent to speak for 15 minutes to eulogize our former colleague and friend, the President pro tempore of the Senate, the distinguished Senator from Alaska, Ted Stevens.

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

(The remarks of Mr. ROBERTS are printed in today's RECORD under ''Morning Business.'')

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

NATIONAL CRIMINAL JUSTICE ASSOCIATION COMMISSION ACT

Mr. WEBB. Madam President, first, I would like to say that Senator SCHUMER and I are sharing 30 minutes today—we are going to have to do it in divided time—to speak about concerns with respect to the relationship of the United States with China and where we need to move forward.

Before I do that, I wish to express my hope that my colleagues on the other side will allow a vote on the National Criminal Justice Association Commission Act which I introduced a year and a half ago after 2 years of hearings. We have bipartisan support on this bill. The identical version of this bill has passed the House of Representatives already. We have met with more than 100 different organizations, from our office. We have a buy-in on the necessity of this bill from people across the political spectrum and the ideological spectrum. The three major criminal justice associations strongly back this bill, as do the American Civil Liberties Union, Human Rights Watch, and the NAACP. There is no controversy on this bill. It passed the House by a voice vote.

I certainly hope that before the end of this year, we will see this national commission come into place. It is 18 months of getting the finest minds in America to come together and examine all aspects of our criminal justice system so we can do two things: one, reduce mass incarceration in this country but also reduce the fear in our communities with the present rate of crime.

There are two charts for people to look at to see why we need to move forward on this legislation. The first is to look at what has happened to the incarceration rate in this country. From 1980 up to today, it has gone off the charts. We have more people in prison than any other country in the world. We have 5 percent of the world's population and 25 percent of the world's known prison population. At the same time, any survey you look at, you will see that three-quarters of the people of this country feel less safe than they did a year ago. These two realities do converge in the need to examine our entire criminal justice system.

I say again to the one or two people on the Republican side who are not allowing this to come to a vote, this is not a controversial measure. The top three corrections associations in this country want to see it happen, as do people on the other side.

I hope we can get a vote before the end of the year on this legislation and start fixing our criminal justice system.

UNITED STATES RELATIONSHIP WITH CHINA

The main purpose of my speaking today is to join with Senator SCHUMER in stating to our colleagues and to the people of this country that we need to have the courage and the wisdom to reconfigure our relationship with China in a way that reflects more clearly its emerging status economically and in terms of our own national security and the security of the East Asia region. This has been an incremental process. I have been talking about the need to balance a relationship with China for 20 years.

Actually, I will begin these remarks by reading from an article I wrote for the Wall Street Journal 9½ years ago. I wrote:

> China engaged in a massive modernization program . . . It shifted its aviation doctrine from defensive to offensive operations, including the ability for long-range strikes throughout Southeast Asia. It has continually rattled its sabers over the issue of Taiwan. It has laid physical claim to the disputed Paracel and Spratly Island groups, thus potentially straddling one of the most vital sea lanes in the world. In the last year—

And this meant 2000 and 2001—

> it has made repeated naval excursions into Japanese territorial waters, a cause for long-term concern as China still claims Japan's Senkaku Islands, just to the east of Taiwan, and has never accepted the legitimacy of Okinawa's 1972 reversion to Japan.

This is rather relevant, even though this was written 9½ years ago, as we examine Chinese activities in areas in the South China Sea and the need for us as a nation to stand alongside the other countries in this region on issues of sovereignty.

Just in the past 3 weeks, we saw an altercation in the Senkaku Islands.

By the way, I mentioned the Senkaku Islands in a debate in my campaign 4 years ago, asking my opponent what he thought we should be doing there. There were some who thought I was being a little bit arcane by mentioning a place of which few people had ever heard.

It is a major flashpoint between China and Japan. Both claim these islands just off Taiwan. We saw a very serious diplomatic confrontation with the potential to have a military confrontation just in the past couple of weeks in the Senkaku Islands. The Chinese still claim the Paracel Islands, which Vietnam also claims. They have made naval incursions there. They claim the Spratly Islands, which are also claimed by other countries, including the Philippines, Vietnam, and Borneo. This is a very serious matter in terms of how we approach the stability of East Asia.

There was a column written in the Washington Post on Sunday, the title of which was ''The South China Sea, China's Caribbean.'' I emphasize to my colleagues that this is not the Caribbean in terms of the stakes and the threat of the wrong sort of action in this region. From the Strait of Malacca, where a huge percentage of the world's oil and cargo passes, up through the South China Sea into Japan, South Korea, Taiwan, we see a tremendous amount of world trade move through there.

In Southeast Asia, in the ASEAN countries, we have 650 million people. We have almost 1 billion people living not in China but in this region who would be affected by Chinese sovereignty claims if we do not responsibly assist this region in getting a balance.

This is happening at a time when I think we have deluded ourselves as a nation for economic reasons as to the nature of the governmental system in China. We tend to look at these as comparable governmental systems because we have such a high reliance on trade. And Senator SCHUMER is going to talk about the trade aspects of this issue.

Just as one little data point, every year the Freedom House publishes a record of the freedom of the press. It ranks countries in the world in terms of global press freedom. In their last ranking for 2009, China ranked 181 out of 195 countries in terms of freedom of the press inside the country. Of the 40 countries in Asia, the only countries that scored lower than China in terms of freedom of the press were Laos, Burma, and North Korea.

The second-tier countries in East and Southeast Asia watch very closely how the United States articulates its relationship with China. History warns them that they must hedge their bets against eventual change. And any failure by the United States to take firm action when the Chinese manifest aggressive behavior is viewed in this region as a sign of a permeating weakness in the United States.

The reality of a smaller size of our naval forces, the turbulence, at times, with relationships we have had with countries that are friends, the mistreatment and sometimes neglect of our major ally, Japan, causes some to wonder if China will become so powerful that we will abandon our friends.

On the one hand, this is an administration that has done a good job in terms of reconnecting with eastern Southeast Asia. Secretary Clinton made a strong statement in July at the ASEAN conference about the importance of these sovereignty issues.

On the other hand, we have a situation that is now evolving. It is continuing between Japan and China over the Senkaku Islands, where we must be very clear in our signals to China that we will not tolerate instability that can be created with false claims of sovereignty in these regions. There are ways to resolve these sovereignty issues, and the expansionist pressure from military actions and other actions is not the way to do that.

My major point today is that we must reinvigorate our vitally important relations with the ASEAN countries and our allies—Japan, Korea, the other treaty allies we have—in order to maintain the stability in this region, to maintain our own national interest in this region economically, with regard to security, diplomatically, and culturally, and ultimately in the long term for a proper balance between our country and China. This will only be done if we stay with our friends and articulate very clearly to China that the wrong type of behavior is not going to be rewarded with a weak form of behavior by the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. WYDEN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

SECRET HOLDS

Mr. WYDEN. Madam President, there are currently 48 vacancies on courts that the Federal judiciary considers to be judicial emergencies. Let me restate that. Filling these vacancies is now such a priority that they are considered judicial emergencies. One of those vacancies considered to be a judicial emergency is one of the positions for the U.S. District Court for Oregon. My view is this problem is only going to get worse with another 20 judges having announced plans to retire. If these positions remain vacant, we all understand it could delay trials and certainly justice delayed is justice denied.

The stalling of judicial nominations also discourages qualified candidates from serving on the bench. Those the country most needs on the bench cannot put their lives on hold for months or years while their nominations sit on the Senate calendar, blocked for no apparent reason.

One of the things that is most striking about how the country has gotten into this predicament is that experts who have analyzed the situation with respect to the delay in getting judges confirmed come back to Senate procedures as a significant factor in the holdup. Repeatedly, these independent experts say the Senate's secret hold, the process by which one Senator, just one, can anonymously block a judicial nomination from being considered on the floor of the Senate, is a central factor in the delay in getting these judges confirmed.

I have come to the Senate floor today to say, when we have so many designated judicial emergencies, when there are so many individuals who have won bipartisan support, and a big factor in not getting judges confirmed is the Senate is unwilling to do public business in public, it suggests to me it is time to eliminate the secret hold which is keeping sunshine from coming to the Senate when it comes to the consideration of judicial nominations and other important business.

Fortunately, colleagues on both sides of the aisle—a big group on our side of the aisle and a big group on the other side of the aisle—have repeatedly said they want to come together, end secret holds, and do public business in public.

At this time I would particularly like to commend my colleague from Iowa, Senator GRASSLEY, who has spent well over a decade working on this effort with me, and also single out Senator MCCASKILL from Missouri, who has done outstanding work as well mobilizing colleagues from both sides of the aisle, and who also wants to have this procedure changed and have new accountability and sunshine in the Senate.

All we need to be able to do is get this out in front of the Senate—frankly, out in front of the American people—so they can find out who is in favor of transparency, who is in favor of accountability, and who still thinks we ought to do business behind closed doors.

Some in the Senate continue to claim a secret hold does not prevent the Senate from consideration of a nomination or piece of legislation. They say, for example, the majority leader can always file what we know as cloture on that nomination or bill to overcome a hold. That may be true in theory, but for all practical purposes it cannot be done. The process of filing cloture on a nomination certainly can gobble up almost a week on the Senate schedule. So the Senate could easily spend the remainder of the time remaining this year with votes on just a few nominations now on the Executive Calendar and still not come close to clearing the backlog of nominations. The fact is, a secret hold can effectively kill a nomination or piece of legislation.

As we have said, our big bipartisan group in the Senate repeatedly has said all of this secrecy, all of this work to keep the public from finding out what is going on—all of it can be done without anybody, any colleagues in the Senate or the American people, knowing who was the secret obstructor and why they were, in fact, obstructing.

There is one other point I would like to make, particularly with so much of the country looking at how Washington, DC, works and how broken so much of our system is; that is, how much power a secret hold provides to a lobbyist. I am sure virtually every Member of the Senate has at some point gotten a request from somebody who is a lobbyist asking if the Senator would put a secret hold on a bill or nomination in order to kill it—to kill it without getting any public debate and without the lobbyist's fingerprints on it anywhere.

Certainly, if a lobbyist finds it possible to get a Senator to put an anonymous hold on a bill, it is pretty much like hitting the lobbyist jackpot. Not only is the Senator protected by the cloak of anonymity, but so is the lobbyist, and in effect, through secrecy, a secret hold can let the lobbyist play both sides of the street. It can give a lobbyist a victory with clients without alienating a potential or future client.

Given the number of instances where I heard a lobbyist asking for secret holds, I think it is fair to say a secret hold is in effect a stealth extension of the lobbying world.

So when you think about the powers that lobbyists already have, why in the world would you want to give them another tool, the secret hold, which could, as I have characterized it, literally be a stealth extension of the lobbying world. I think it makes no sense at all, and I come down on the side of openness and transparency.

I congratulate my colleague, Senator GRASSLEY from Iowa, who stood with me, and Senator MCCASKILL—a big group of colleagues from both sides. On the other side of the aisle, Senator COLLINS, Senator INHOFE, and others have spent a great deal of time. Here it has been Senator WHITEHOUSE, Senator UDALL, and the presiding officer, Senator GILLIBRAND—a whole host of colleagues, Democrats and Republicans, who think it is time, when the American people are obviously so angry at the way Washington, DC, does business, to make it clear that we are all going to come together and change the process of letting an individual Senator obstruct the people's business in secret.

It seems to me the bottom line is that a secret hold is literally an indefensible denial of the public's right to know, particularly at a time when there is so much frustration and anger at the way business is done in Washington, DC. The public's right to know

ought to be sacrosanct. Certainly, we are talking about the kind of matters Democrats and Republicans talk about all the time in public. Nobody is talking about national security or classified matters being brought out here for the kind of sunshine that I and Senator GRASSLEY and Senator MCCASKILL want to bring to the Senate. This is about the people's business—legislation and nominations, those judicial emergencies and the scores of appointments that are being held up, pieces of legislation that involve millions of people and billions of dollars. It seems to me there ought to be public disclosure. There ought to be consequences if a Senator fails to disclose a secret hold.

In the interest of dealing with the crisis in our courts and the importance of bringing public business to the floor of the Senate, I hope my colleagues will come together and quickly pass the bipartisan proposal which will once and for all eliminate secret holds.

There have been past attempts. Senator GRASSLEY and I were able, as part of the ethics legislation, to get a provision through that we hoped would make a big difference. What happened then is, the friends of secrecy went back and found other ways to get around it. It is time once and for all to strangle secret holds. That is what a bipartisan group in the Senate wants to do, and it is important that measure be enacted and enacted quickly.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the Presiding Officer, Senator KAUFMAN, be recognized for 10 minutes as though in morning business—during that period, I will preside—and then that I be recognized for up to 10 minutes as though in morning business while the Presiding Officer resumes the chair.

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

Mr. LEVIN. I thank the Chair.

(Mr. LEVIN assumed the chair.)

The PRESIDING OFFICER. The Senator from Delaware is recognized.

EQUITY MARKETS INTEGRITY

Mr. KAUFMAN. Mr. President, I come to the floor one final time to talk about the integrity of our equity markets, a subject I have made a central focus of my Senate tenure. It is an issue that has gained increasing attention, especially since the May 6 flash crash, yet still lacks fundamental transparency, regulation or oversight.

A year ago, I wrote to Mary Schapiro, Chairman of the Securities and Exchange Commission, to outline my concerns. Seven times since then I have come to the Senate floor to talk about the dramatic changes taking place in our equity markets, discussing obscure practices such as colocation, naked access, flash orders, and the proliferation of dark pools. But the most striking change has been the rise in high frequency trading which has come to dominate equity markets and now accounts for well over half of all daily trading volume.

My message about high frequency trading has been straightforward. The technological advances and the mathematical algorithms that have allowed computers to trade stocks in millionths of a second in and of themselves are neither good nor bad. Indeed, as an engineer, I have a deep appreciation for the importance of technological progress. But technology cannot operate in a vacuum, nor should it dictate how our markets function. Simply put, technological developments must operate within a framework that ensures integrity and fairness. That is why our regulatory agencies are so critically important. Because while technology often produces benefits, it might also introduce conflicts that pit long-term retail and institutional investors against professional traders who are in and out of the market many times a day.

As Chairman Schapiro has consistently asserted, including in a letter to me over a year ago:

> If . . . the interests of long-term investors and professional traders conflict . . . the Commission's focus must be on the protection of long-term investors.

Many people have asked me why I focused so intently on the arcane details of how stocks are traded during my time as a Member of the Senate. There are several reasons. First, it is Congress' job not just to look backward and analyze the factors that brought about the last financial crisis, it is also our job to be proactive and identify brewing problems before they put us into a new financial crisis.

Second, we simply must protect the credibility of our markets. I have said time and again that the two great pillars on which America rests are democracy and our capital markets. But there is more at stake than a structural risk that could bring our market once again to its knees as occurred on May 6. There is a real perceptual risk that retail investors will no longer believe the markets are operating fairly, that there is simply not a level playing field.

If investors don't believe the markets are fair, they won't invest in them. And if that happens, we can all agree our economy will be in serious trouble.

Third, we should have learned the lesson from derivatives trading that when we have opaque markets that are nontransparent, disaster is often not far behind.

It is hardly surprising that high frequency trading should deserve a watchful, and possibly critical, government eye.

It is simply a truism that whenever there is a lot of money surging into a risky area, where change in the market is dramatic, where there is no transparency and therefore no effective regulation, we have a prescription for disaster.

We had a disaster in the fall of 2008, when the credit markets suddenly dried up and our market collapsed and almost brought down not only our financial system but the financial systems of the world.

We had a near disaster on May 6, 2010.

Soon, the SEC will issue a second report on the causes of that May 6 flash crash.

I hope the SEC has moved much closer to truly understanding the dramatic changes in market structure that have taken place in the past few years, the potential ramifications of high frequency trading, and its impact on retail and institutional investors.

But this is about more than investor confidence. The primary function of our capital markets is to permit companies to raise capital, innovate, and grow in order to create jobs.

Publicly traded companies employ millions of Americans and are at the heart of our economy.

Their stock symbols should not be used simply as the raw material for high frequency traders and exchanges and other market centers more concerned with churning out serving long-term trade volume than investors and supporting fundamental company value.

Perhaps it is not surprising that our IPO markets—initial public offering markets—have deteriorated dramatically and only seem to work for the largest public offerings worth several hundred million dollars.

Indeed, the IPO situation today is so dire that had it been the case two decades ago, many of our most famous U.S. corporations, including Dell, Yahoo, Computer Associates, and Oracle, among others, might never have been nurtured—or perhaps even born.

Many people, including the consulting firm Grant Thornton, link this phenomenon directly to the rise of high frequency trading under a one-size-fits-all set of market rules that favors efficiency of trading above all else.

As for the Securities and Exchange Commission, I believe the SEC is still in the early stages of what I hope will be an extraordinary turnaround.

After years of deregulatory fervor which sapped morale and led to an egregious case of regulatory capture, we now have an emboldened agency, with a beefed up enforcement division, a serious chairman, and an invigorated staff.

That was evident in last week's hearing that I chaired in the Judiciary Committee on the Fraud Enforcement and Recovery Act.

The commission must still reform the way it gathers the facts it needs to study market issues and particularly high frequency trading.

Evidence-based rulemaking should not be a one-way street in which all

the ''evidence'' is provided by those whom the SEC is charged with regulating.

We need the SEC to require tagging and disclosure of high frequency trades and to quickly implement a consolidated audit trail so that objective and independent analysts—in academia, private analytic firms, the media, and elsewhere—are given the opportunity to study and discern what effects high frequency trading strategies have on long-term investors.

They can also help determine which strategies should be considered manipulative.

The recent ''layering'' case brought by FINRA against a high frequency trading firm was a good start, but much more needs to be done to end the ''wild west'' trading environment that today is eroding market integrity.

We cannot afford regulatory capture nor can we afford consensus regulation, not in any government agency, but especially not at the SEC, which oversees such a systemic and fundamental aspect of our entire economy.

Colocation, flash orders, and naked access are just a few practices that were fairly widespread before ever being subjected to any regulatory scrutiny.

For our markets to remain credible—and it is absolutely essential that they do so—it is vital that regulators be proactive, rather than reactive, when future developments arise.

After a year of intense study by me and my staff, I sent a letter to the Securities and Exchange Commission on August 5, 2010, with my best summary of the market structure problems and potential solutions the commission faces.

I will now wait for the SEC report and findings before I add or subtract from my views, as expressed in that letter.

Though this work must be completed in my absence, I will continue to speak out on market structure issues long after I leave the Senate.

Because if we fail, if we do not act boldly, if the status quo prevails, I genuinely fear we will be passing on to my grandchildren a substantially diminished America: one where saving and investing for retirement is no longer widely practiced by a generation of Americans and where companies no longer spring forth from the well of capital flows that our markets used to provide.

Wall Street is a business like any other business in America. But it is also different in one important way: It is Wall Street that gathers up the hard-earned cash of millions of Americans and allows them to invest in capital markets that up until now have been the envy of the world.

These markets, like all markets, will ebb and flow.

But they should never be brought down by inherent structural problems, by trading inequities, or by opaque operations that shun transparency.

Wall Street holds a piece of American capital, our collective capital, and it has a real and profound responsibility to handle it fairly.

But that entails another obligation as well: to come to the table and play a constructive role with Congress and the Securities and Exchange Commission in resolving its current issues—especially the possibility of high frequency trading manipulation and systemic risk.

For too long, many on Wall Street have urged Washington to look the other way, to accept the view that all is fine. If Wall Street does not engage honestly and constructively, then these issues must be resolved without their input, and resolve them we will.

The credibility of our capital markets is too precious a resource to squander; as I say every time I have the chance, it is a fundamental pillar of our Nation. And if it is now threatened, Congress and the regulatory agencies will surely act.

We can fashion a better solution with industry input, not a biased solution, but a better solution, one that should benefit Wall Street in the long term, one that must benefit all Americans now. The American people deserve no less.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Michigan.

COMMENDING SENATOR TED KAUFMAN

Mr. LEVIN. Mr. President, I come to the floor today simply to thank my friend, the Senator from Delaware, for his extraordinary work in the Senate and to make a comment on some of the things he has been working on.

Since coming to this body, Senator KAUFMAN has proven to be a tireless advocate for his State of Delaware and the country, and his remarks he just provided are further evidence of that.

Senator KAUFMAN joined us here and joined me on the Permanent Subcommittee on Investigations, where he and his staff dug deeply into the weeds of financial statements and e-mails in efforts that helped ferret out some of the astonishing findings of our hearings into the causes of the financial crisis. Senator KAUFMAN's dedication and thoughtful questioning during those hearings helped expose some of the root causes and crass conflicts of interest that led to the crisis that brought our economy to its knees.

I also want to make particular note of Senator KAUFMAN's work on high frequency trading, flash trading, and other trading market issues, where those with powerful computers are able to exploit weaknesses in our regulatory systems to their own financial advantage, while hurting long-term investors and hurting the real economy.

Senator KAUFMAN cares deeply about these issues, and he has voiced his concerns about them in this Chamber for over a year. Last year, he called for a ban on flash trading, a practice in which some firms pay for a ''sneak peak,'' only a few thousandths of a second long, at trades. With their computers, those firms can take advantage of that split-second head start on market-moving trades. The Securities and Exchange Commission is working on rules to ban the practice, and I join Senator KAUFMAN in urging that this practice be stopped.

Senator KAUFMAN has studied the trading markets in great detail, communicating with regulators and industry participants. He has learned that our regulatory system for monitoring trading is outdated and that the technology and capabilities of those who seek to exploit loopholes in the rules or avoid them altogether have too often outpaced those tasked with their oversight.

Senator KAUFMAN has come to this floor many times over the past several months to warn us of the risks of our current trading market structure, and of his concerns with the inadequate regulatory process we have to police them.

On August 5, he sent a letter to Securities and Exchange Commission Chairman Schapiro outlining proposals to address some of those concerns. His thoughtful proposals make a significant contribution to the debate over how to make our financial system safer.

On May 6 of this year, we all watched helplessly as the stock market plunged nearly 1,000 points in a few minutes. While the regulators have committed to studying it and are expected to release their report soon on the root causes of that ''flash crash,'' I cannot help but think that we in Congress owe it to families and businesses around this country to better understand what happened and to make sure we do what we can to stop it from happening again.

Although Senator KAUFMAN will soon be departing this body, we must continue his work so that those who seek to exploit our markets to the detriment of long-term investors and the real economy will not be able to do so without a battle from the Senate. Senator JACK REED is committed to doing just that. He held a hearing in May shortly after the flash crash in which he looked into the causes of the crash. I will join him and others and do all we can to respond to these high-tech threats to market fairness and transparency.

The world of trading stocks, bonds, commodities, and other financial instruments today occurs on two levels. There are those who invest for the long haul, investing in companies and products they expect to do well for some time. They drive our economy. But then there are those who seek to ''invest'' for thousandths of a second or just long enough to profit on split-second price swings. These traders argue that they provide ''liquidity'' to the markets, but in many cases they are actually hurting the markets by promoting volatility and undermining the integrity of those markets.

As Senator KAUFMAN said, we owe it to the millions of families who have

their savings in the markets and to the businesses that rely on the markets for the capital they need to survive and grow to make sure our markets function properly. I applaud Senator KAUFMAN for his extraordinary work on these issues and other issues in the Senate. I thank him for his service. One way for us to recognize that service is to continue his quest for more fair and transparent markets.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWNBACK. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

(The remarks of Mr. BROWNBACK are printed in today's RECORD under ''Morning Business.'')

Mr. BROWNBACK. Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

THE SHERERS: ADOPTION ANGELS

Mr. JOHANNS. Madam President, Scott and Nicole Sherer, of Lincoln, NE, are extraordinary Nebraskans who opened their hearts and homes to four beautiful children in need of parents. This is a tale of love, devotion and caring.

In 2007, Nebraska officials found a young boy named Darren, developmentally disabled—a victim of neglect.

The State removed Darren from the household and began to search for a foster family.

They didn't have to search far because Nicole and Scott Sherer were happy to take him into their home.

The following year, a little girl named Mariah was found to be a shaken baby and was taken to Children's Hospital.

Mariah's brother Christian was also removed from the home and the State again looked for a healthy home.

Once again, the Sherers did not blink. Two more children needed parents; they needed a home. Two more children found their family.

And this exceptional family still had more room in their hearts and their home.

Two year later, Darren's sister Desiree was born and was delivered to the Sherers from the hospital.

They formally adopted Christian and Mariah in April 2009 and then adopted Darren and Desiree in July 2010.

During this time, they were able to provide a safe, healthy home for a fifth little boy until a permanent home could be found. The family was able to keep the biological siblings together and provide a loving home for four children.

And the new family began their lives together.

Nicole and Scott recently celebrated their seventh wedding anniversary. They have taken in four children in need and consider themselves to be blessed.

I have great admiration for foster and adoptive parents, and I was thrilled to nominate Nicole and Scott Sherer as Adoption Angels.

Their commitment to care for these four children, to give love freely, is an inspiration for all. It is my hope that their example will inspire other couples to open their hearts and homes to children awaiting adoption.

May God bless Nicole, Scott, Darren, Desiree, Christian, and Mariah, as well as all adoptive parents who give children the gift of a loving family.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. REED are printed in today's RECORD under ''Morning Business.'')

Mr. REED. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCHUMER. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

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

CHINESE CURRENCY MANIPULATION

Mr. SCHUMER. Madam President, I am pleased to join my colleague, Senator WEBB, in discussing serious concerns with Chinese economic and foreign policies and their impact on the United States, U.S. companies, U.S. workers, and U.S. citizens.

Earlier, we were supposed to speak together, but the vicissitudes of the floor broke us up. Earlier today, my esteemed and erudite colleague, Senator WEBB, gave an excellent address, which I hope my colleagues will read, about how China is simply taking advantage in the foreign policy area. They are pursuing policies that just move forward without any concern for the world community, for peace, for comity. It seems China is first, second, and third.

Unfortunately, they are doing the same thing in the economics sphere. I have been working with colleagues such as Senators STABENOW, BROWN, and GRAHAM to try and reverse this situation.

I rise to speak about what many of us consider the biggest sticking point in U.S.-Chinese relations: Chinese overt and continuous manipulation of its currency to gain a trade advantage over its trading partners.

The Economic Policy Institute estimates that 2.4 million American jobs were lost or displaced in manufacturing and other trade-related industries between 2001 and 2008 as a result of increased trade with China and the Chinese Government's manipulation of currency. New York has suffered some of the biggest losses with over 140,000 jobs lost or workers displaced over the past 10 years.

Accession to the WTO was supposed to bring China's policies in line with global trade rules meant to ensure free but fair trade. Instead, China has flouted those rules to spur its own economy and export-oriented growth at the expense of its trading partners, including the United States. Clearly, our relationship in the economics sphere, as well as the foreign policy sphere and diplomatic sphere, with China needs fundamental change.

I say that loudly and clearly to the Chinese because they seem to think we are patsies. Past policies might give some corroboration to that view. Let me explain.

Six years ago, Senator GRAHAM and I came up with the idea of doing something about manipulation of currency. At first everyone said: Oh, no, this is not a problem. There were editorials in both the Wall Street Journal and New York Times that said it is OK for China to peg its currency. We were attacked from the far right and the far left and many others.

Now, at least we have made some progress. Everyone admits it is a problem. Now that we have consensus—quite broad consensus—that this is a problem, this is wrong, this is unfair, the fundamental question hangs out there: Who is going to fix this problem and how?

The administration continues—this administration, and I say that as someone who is a supporter, who continues to pin its hopes on yet more talking. This despite the fact that years of meetings and discussions with this administration and the previous administration have repeatedly failed to produce any lasting, meaningful results.

It has been 3 months since China announced it would allow its currency to appreciate for the first time since the middle of 2008. The RMB has risen less than 2 percent against the dollar, most of that appreciation taking place in the last 2 weeks.

President Obama met with Chinese Premier Wen last week to urge quicker

evaluation of his country's currency. He got nothing, nothing—a big goose egg—for his efforts. It is not his fault; it is the fault of the Chinese. But when are we going to change things?

According to news reports, Premier Wen gave a standard response about gradual reform. The upcoming G20 summit in Seoul looks similarly devoid of possible progress on this issue. News reports suggest that none of the other countries are willing to push China on this issue.

Each time I have pushed the administration to take a tougher stance against China's manipulation of currency; each time they have vowed to do so. It is plain and simple: It is not working. China is merely pretending to take significant steps on its currency. This sucker's game is never going to stop unless we finally call their bluff.

China's mercantilist policies continue to undermine the health of many U.S. industries that inject billions of dollars into the U.S. economy and employ hundreds of thousands, millions of American workers. We have to do something about it—something real.

Last week, the House Ways and Means Committee voted out a bill that clarifies countervailing duties can be imposed to offset the effect of undervalued currency. I applaud Chairman LEVIN for taking a concrete step toward addressing the persistent imbalance created by China's undervalued currency. Effective enforcement of our trade laws is one tool the administration can and should use to counter China's mercantilist currency policies.

But the administration could use more than one ace up its sleeve. And that is what my bill, introduced with Senators STABENOW, GRAHAM, BROWN, BROWNBACK, WEBB, SNOWE, and others—bipartisan, across the political spectrum—would provide.

The bill gives the administration additional tools to use if countries fail to adopt appropriate policies to eliminate currency misalignment and includes tools, including the use of the countervailing duty law, to address the impact of currency misalignment on U.S. industries.

I call on the administration to support our legislation to address China's mercantilistic exchange rate policies. We must stand up for American manufacturers, American workers, and American jobs. We have to prevent the flow of billions of dollars out of our country—wealth we will never recover—every quarter as long as the Chinese continue this policy.

Critics of our bill say it would start a trade war with China, but that is not right because American companies are already fighting a war for survival in China—battling market access limitations, intellectual property theft, indigenous innovation policies, and unfair competition from heavily subsidized domestic State-owned enterprises. When are we going to learn?

Critics of our bill say it will not solve the trade deficit with China. We have never claimed it will totally solve the deficit, that is for sure. The bill is about fair trade. The bill is about a ceramics manufacturer in upstate New York that has developed a great new product that can clean the air as it goes through our new generator turbines. But China is stealing the product and is now going to sell it back to the United States at a 30-percent advantage. You can't even measure the loss we face because of China's unfair policies on currency.

Yes, critics of our bill have said it will not solve the trade deficit, but as I said, this has never been the claim. It will reduce the trade deficit, without doubt. It will keep wealth in the United States, it will keep American jobs, and it will restore some equilibrium to the American economy and the world economy.

Other critics have said China could retaliate by selling some of the trillions of dollars of Treasurys they currently hold, but we know this will not happen. China is not going to cut off its nose to spite its face. Its major wealth asset they are going to devalue? Hello, as my kids might have said when they were younger.

We must take a decisive step against China's currency manipulation and other economically injurious behavior. We have no choice but to defend and protect U.S. jobs and the U.S. economy unless and until China starts behaving like the international, law-abiding, global, emerging power it seems to be recognized as. Once and for all I say to those in the ivory towers who love to look down upon us but who don't look at the facts, the issue is not U.S. protectionism; the issue is China's flouting the rules of free trade in almost every sphere and never budging unless they are pushed to.

This is one reason why when the Senate reconvenes later this year, my colleagues and I intend to move forward with the legislation to provide specific consequences for countries that fail to adopt appropriate policies to eliminate currency misalignment and give the administration the additional tools it needs to address the impact of currency misalignment on U.S. industries.

I say to those at the other end of Pennsylvania Avenue, as well as in Beijing, this issue cannot wait for another year. It cannot wait for another new Congress. I am confident this bill will pass the Senate with overwhelming support.

Let me conclude by noting that over the past 6 years, my colleagues and I have been sending a message to the Chinese Government about their exchange rate policies and other WTO-inconsistent behavior, but apparently they refuse to listen. Ultimately, if you refuse to play by the same rules as everyone else, we will hold you accountable. Chinese currency manipulation would be unacceptable even in good economic times, but at almost 10 percent unemployment, we can't stand for it. There is no bigger step we can take than to confront China's currency manipulation.

Praise God, this is not a Democratic or Republican issue. We have broad bipartisan cosponsorship of our legislation. No one is seeking to gain political advantage. We are simply seeking to restore economic fairness. Every single one of us has manufacturers that are struggling to compete at home and abroad with Chinese exports with a built-in 20- to 40-percent price advantage. This is not about bashing China; it is about defending the United States before it is too late—before the loss of jobs and wealth that flows out of this country is almost irreparable. I call on my colleagues to join in the defense.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. INHOFE. I ask unanimous consent I be recognized as in morning business.

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

ENVIRONMENTAL OVERREGULATION

Mr. INHOFE. Madam President, I released today a minority staff report of the Senate committee on Environment and Public Works. When Republicans were in the majority I chaired the committee and now I am the ranking member, minority member. We have been concerned for quite some time now that the heavyhanded overregulation we are getting from the Environment and Public Works Committee is taking its toll on American jobs. So we released this and documented a report that examines the impact on jobs and the economy from all these EPA rules and EPA regulations.

We are covering four areas. The focus is on the boiler MACT regulations, the revised National Ambient Air Quality Standards for ozone—we are all concerned about that—I notice the new cement MACT regulations, and the endangerment findings. These are just four rules that are costing us a lot of jobs.

There are many others we could be talking about, in fact we are going to be talking about in the near future: standards for cooling water intake structures at powerplants, National Ambient Air Quality Standards for dust and particulate matter—actually, they are talking about doing one now for farm dust. I am from Oklahoma. A lot of people back here don't understand when you grow something you have to grow it in dirt. When the wind blows that is dust, but you can't regulate it. But they think they can—the new source performance standards for coal-fired powerplants and refineries, and the rules governing disposal of coal combustion waste.

What does it all mean? The American Forest and Paper Association estimates, and I am quoting them:

> . . . about two dozen new regulations being considered by the Administration under the Clean Air Act, if all are promulgated, potentially could impose on the order of $17 billion in new capital costs on papermakers and wood products manufacturers in the next five to eight years alone.

That is just for one industry. You have all the other industries that will be affected.

Before I begin, let me say the Clean Air Act was a success. I have always been a supporter of the results of the Clean Air Act. We now have cleaner air from cars, from factories, and powerplants. It has been very successful. In fact, when we were a majority and I chaired that committee, we had the 3P regulations, we had the Clear Skies regulations we tried to promulgate—we have been attempting to do this for a long period of time. However, if we are going to be competing with other countries, this overregulation is going to do nothing but send our jobs to places such as China and India and Mexico.

Of the four areas I mentioned, the first is the boiler MACT. The MACT means maximum achievable control technologies. Forget about that, just call that regulation.

The first one, the regulations, would be the boiler MACT. It would impose stringent emission limits on monitoring requirements for 11 subcategories of boilers and process heaters.

The proposed rule covers industrial boilers used in manufacturing, processing, mining, refining, as well as commercial boilers used in malls, laundries, apartments, restaurants and hotels.

The Industrial Energy Consumers of America, which represents companies with 750,000 employees, said they are ''enormously concerned that the high cost'' of the boiler regulations will leave companies no recourse but to shut down the entire facility, not just the boilers.

This is what the econometrics firm IHS-Global Insight found in its analysis of the EPA's proposal, just the one proposal. They concluded that the proposal could put up to 798,000 jobs at risk. Moreover, they said every $1 billion spent on upgrade and compliance costs will put some 16,000 jobs at risk and reduce the U.S. GDP by as much as $1.2 billion.

The EPA's pending boiler regulations also threaten my home State of Oklahoma. We have one group, a company called Covanta Energy, which in 2008 reopened the Walter B. Hall Resource Recovery Facility, a waste-to-energy plant.

This happened, actually, when I was mayor of Tulsa many years ago. We had two great needs: one to dispose of waste and the other to create energy. So we did one of the first waste-to-energy plants in America. It was done back in the early 1980s when I was mayor of Tulsa. This is something that has been working out and working successfully. But they are saying it could threaten the viability of this operation, and it is not just in my State of Oklahoma but all over the country.

These concerns are shared by 40 of my colleagues, including 18 Democrats, who wrote Lisa Jackson—she is the Administrator of the Environmental Protection Agency—a letter. Keep in mind, half of these are Democrats.

> As our Nation struggles to recover from the current recession, we are deeply concerned that the pending Clean Air Act boiler MACT regulations could impose onerous burdens on U.S. manufacturers, leading to the loss of potentially thousands of high-paying jobs this sector provides. As the national unemployment rate hovers around 10 percent, and federal, state and municipal finances continue to be in dire straits, our country should not be jeopardizing thousands of manufacturing jobs.

That is a quote from a letter, half Democrats, half Senators, 40 of us, to Lisa Jackson of the Environmental Protection Agency.

Just in the area of boiler regulation, one of the four I am going to talk about, potentially 1 million jobs could be lost. This is the problem we are having with the overregulation in this country. We have two major problems: overregulation and the fact we are not developing any power anymore, we made it so difficult. We have not had a new coal-fired powerplant in this country for quite some time. Yet China is cranking out two of them every week. This is our competition over there.

The second area is ozone. On January 6 of this year, for the second time in less than 2 years, the EPA proposed tightening the NAAQ standards for ground level ozone. Specifically, the EPA is proposing to strengthen the 8-hour ''primary'' ozone standard. The EPA estimates that setting the primary standard within its proposed range will cost between $19 and $90 billion. That is the EPA's estimate. This proposal comes at the heels of the 2008 ozone standard, which created a serious problem. The CAA, Clean Air Act, only requires revision at least 5 years. That was just 2 years ago. Now they are talking about doing it again. So the EPA is not required to revise the status quo.

Meanwhile, States are in the midst of trying to meet the 2008 requirements while some communities are not in compliance with the 1997 standards, the time they did it before.

EPA announced it is delaying the new standards until late October. Guess what. We are there. My guess is they will be delaying it until after the election because they don't want to know what hardship they are imposing upon the American people before the election. It is not hard to see why. Whatever level EPA ultimately picks, it will dramatically increase the number of so-called nonattainment areas nationwide.

Based on the 2008 air quality data, we could see as many as 608 new nonattainment areas, with many of them highly concentrated in manufacturing regions, in States relying on coal for electricity.

What does the nonattainment mean? For local communities, such as my communities in Oklahoma, it can mean loss of industry and economic development, including plant closures; loss of Federal highway and transit funding; increased EPA regulation and control over permitting decisions; increased costs for industrial facilities to implement more stringent controls; and increased fuel and energy costs.

In my State of Oklahoma, at least 15 counties would face new restrictions right now, under the 2008, and there are two counties that would be out of attainment. All these things would happen. You can't go out and recruit industry, they close down a lot of industries there now. I have listed in these remarks that will be part of the RECORD 15 counties in my State of Oklahoma that could be facing these new restrictions.

We all support cleaner air, but here is where the Obama EPA and I disagree. It should not come at the expense of people's jobs or the economy. Apparently, I am not the only one thinking this way.

On August 6, 2010, a bipartisan letter—this is the third one I am mentioning now—was sent to the EPA Administrator on the Agency's ozone reconsideration. It was signed by Senators VOINOVICH, BAYH, LUGAR, LANDRIEU, VITTER, MCCASKILL, and BOND. That is an equal number of Democrats and Republicans. They said:

> While we believe we can and should continue to improve our environment, we have become increasingly concerned that the Agency's environmental policies are being advanced to the detriment of the people they are intended to protect. That is, these policies are impacting our standard of living by drastically increasing energy costs and decreasing the ability of our states to create jobs, foster entrepreneurship, and give manufacturers the ability to compete in the global marketplace.

Again, that was just one of these four areas.

The third one would be the Portland cement regulations. This third rule is another regulation having to do with cement. According to the EPA, ''a projected 181 Portland cement kilns will be operating at approximately 100 facilities in the United States by the year 2013.'' EPA's new emission standards under section 112 of the Clean Air Act will apply to 158 of that 181. About 7 kilns will be subject to the EPA's new source performance standards under section 111 of the Clean Air Act.

The cement industry is essential to America's economy. According to a study by the Maguire Energy Institute at SMU, the cement manufacturing industry in 2008 produced $27.5 billion in GDP, $931 million in indirect tax revenues for State and local governments, and sustained 15,000 high-paying jobs.

In addition to those 15,000 direct jobs, the industry has an ''induced employment'' effect, which helps create and

sustain an additional 153,000 jobs. ''Importantly,'' the Maguire Energy Institute noted ''these are primarily high-wage jobs generating about $7.5 billion annually in wages and benefits.''

According to the Portland Cement Association, EPA's regulation puts up to 18 cement plants at risk of shutting down, threatening nearly 1,800 direct jobs and 9,000 indirect jobs, accordingly. I might add, one of these would be in my State of Oklahoma. These jobs in cement production would go to China. That is what a professor from King's College in London said about the EPA's rule—coming from London:

So rather than importing 20 million tons of cement per year, the proposed [rule] will lead to cement imports of more than 48 million tons per year. In other words, by tightening the regulations on U.S. cement kilns, there will be a risk transfer of some 28 million tons of cement offshore, mostly to China.

Senators VOINOVICH and LINCOLN wrote a bipartisan letter to Administrator Jackson, sharing these concerns back in February, saying:

In a very real sense, if a reasonable standard is not adopted in this matter, we anticipate that substantial cement capacity may move overseas to the detriment of industrial employment. . . .

And the detriment of hundreds of thousands of people in the United States.

The fourth is my favorite. To give just a little bit of background, way back when we had the Kyoto treaty in the 1990s, there was an effort at that time to say we have catastrophic things happening, global warming and all that, as a result of primarily man-made gases. They tried through the years to pass legislation. We had the 2003 and 2005 McCain-Lieberman bills. Then we had the Markey bills and the others. I think one was a Boxer-Sanders bill. All of them were essentially doing the same thing; it was called cap and trade. It was something I characterized as the largest tax increase in the history of this country.

As a matter of fact, during the consideration of all of these bills, they estimated—and this was several—MIT, CRA, and several other institutions said that the cost to America would be somewhere between $300 and $400 billion a year.

The rule discussed is the endangerment finding. As I have documented on the Senate floor before, the EPA promulgated its endangerment finding on greenhouse gases in December of 2009, which I said could lead to the greatest bureaucratic intrusion into the lives of the American people. It would trigger costly, time-consuming permitting requirements for new and modified stationary sources for greenhouse gases such as powerplants, factories, and refineries.

So the problem with this is that when the Obama administration saw that Congress was not going to pass these very punitive tax increases called cap and trade, they decided they were going to try to do it through regulation. That is what this is all about. This is just one-fourth of the minority report we have out there that we introduced today.

The rule, in order to do this—and I will never forget because right before I went over to Copenhagen in December, we had a hearing in the Environment and Public Works Committee, and we had Lisa Jackson—I have a great deal of respect for her—before the hearing.

I said: Madam Administrator, I suspect that when I leave for Copenhagen tomorrow, you are going to have an endangerment finding.

An endangerment finding is a finding that will allow them to promulgate rules to do what they failed to be able to do in legislation.

I said: And to do that, it is going to have to be based on some science. What science would that be based on?

She said: Primarily, the science that came from the United Nations.

And the IPCC—since that time, there has been Climategate—told the truth about how they have been trying to cook the science over that period of time. So this is one that is really very serious.

But the U.S. Chamber found that if they are able to go ahead and use the emissions, it would affect 260,000 office buildings, 150,000 warehouses, 92,000 health care facilities, 71,000 hotels and motels, 51,000 food service facilities, 37,000 churches and other places of worship, and 17,000 farms. That is because they would be falling under the category—the 250 tons of emissions of $CO_2$ per year.

The greenhouse gas regulations will mean higher energy costs for consumers, especially for minorities and the poor.

I had the Catholic Charities in my office today. We had, actually, the man, who I learned just died this last week, with the Ohio Catholic Charities down for hearings when we were talking about all the things they were trying to do through the various bills on cap and trade. His testimony was—and these individuals were in my office today—that it disproportionately hurts poor people. For example, if someone is in poverty, there are just some things that person has to have—heating the home in the winter, transportation costs, costs that are necessary. If you are a wealthy person, that might constitute maybe 5 percent of your expendable income, but it could be 100 percent of the income of someone who is poor. So it disproportionately hurts the poor people.

This is why, on February 19, recognizing that he was going to lose a lot of jobs, Senator ROCKEFELLER, joined by seven of his Democratic colleagues, wrote—again, this is the fourth letter—to Administrator Jackson on their concern with the endangerment finding.

We write with serious economic and energy security concerns relating to the potential regulation of greenhouse gases from stationary sources under the Clean Air Act. We remain concerned about the possible impacts on American workers and businesses and a number of industrial sectors, along with the farmers, miners and small business owners who could be affected as your energy agency moves toward the regulations for vehicle greenhouse gas emissions.

You know, as bad as things are right now, we are supposed to be able to knock down and the President said we are going to bring unemployment down to somewhere around 6 or 7 percent, and it is still right up there at 10 percent. These regulations haven't even gone into effect yet. So that is going to cause the unemployment figures to be much higher.

So I think it is important to recognize right now, before it is too late, that something can be done about this overregulation right now, and I really believe this is the opportunity that we have.

This report we just released today is on my Web site, inhofe.senate.gov, and we have now been able to get this around the country so that people know that as bad as the unemployment and overregulation is that is costing American jobs, it could be a lot worse if these four regulations get into full effect. I think it is our job here in the Chamber to recognize that we have a very serious unemployment problem in this country, a very serious overregulation problem in this country, and we can now do something about it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, what is the status of the Senate? What are we doing? Morning business?

The PRESIDING OFFICER. The Senate is under cloture on the motion to proceed.

Mr. REID. Thank you, Mr. President.

WILDLIFE CONSERVATION AND ANIMAL WELFARE

Mr. REID. Mr. President, one piece of unfinished business we have here in the Senate is to move a series of good, commonsense bills that would benefit wildlife and domestic animals.

These wildlife conservation and animal welfare bills have already passed the House of Representatives, and for a good reason. They also have bipartisan support. Most importantly, all of these measures are supported by the American people. These aren't Democratic or Republican issues; they are issues of good moral conscience.

I have worked over the years on many bills connected to animals and wildlife. Not long ago, Senator CANTWELL and I worked with a number of our Republican colleagues to pass a felony level penalty bill for dog fighting and cock fighting. This was a bipartisan rejection of animal cruelty.

Today, we have the opportunity to help a great number of species. One bill ready for action, the Shark Conservation Act, will improve Federal enforcement of an existing prohibition on the killing of sharks just for their fins. Because of a loophole in the existing law, animals are still caught, their fins are severed, and the dismembered shark is sent back into the ocean to die. But they don't just die, they suffer a horrible and protracted death—all of that cruelty for a bowl of soup.

Another important bill is the Marine Mammal Rescue Assistance Act, which will strengthen programs that provide emergency aid to seals, whales, and other marine creatures that get struck by boats or tangled in fishing lines. This happens all the time.

Other bills, such as the Crane Conservation Act, the Great Cats and Rare Canids Act, and the Southern Sea Otter Recovery Act, will protect some of the most rare and remarkable creatures anyplace on Earth. Without our help, many of these creatures could disappear within a generation.

I also wish to draw attention to the efforts of Senators MERKLEY and KYL today to clear an important bill that will end the appalling practice of animal crush videos. It is hard for me to comprehend what some people do. They torture animals and take pictures of them and sometimes sell those pictures. There are people sick enough to want to watch a little animal or a big animal be crushed and killed. They call them animal crush videos. The law we passed in 1999 outlawing these videos was struck down by the Supreme Court in April of this year. Senators KYL and MERKLEY have worked to write a more narrowly tailored bill that respects the first amendment while still punishing those who seek to profit from the torture of puppies, kittens, and other helpless animals.

As I understand it, the Supreme Court said you can't stop people from buying these videos to watch. But we can stop people from doing these terrible things that people want to watch.

I hope we can work these out and pass these by unanimous consent. Why do we need debate on these issues? These are good bipartisan bills that deserve to be passed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I have a number of unanimous consent requests that I am going to ask. But I have been told the Republicans want to look a few of these over, and I have no problem with that. I can do it later tonight or tomorrow sometime. These are important issues. I have given a brief synopsis of some of the awful things going on around the country as they relate to animals. We should do something to take care of this. I hope we can get these cleared. These are not great legal issues, but they are moral issues. If we can't treat animals in a fair way, we can't treat ourselves in a fair way.

When we come in, in the morning, I will ask for these consents. I appreciate my friend from Mississippi for his usual manner of being so courteous in allowing me to go forward with my statement.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

(The remarks of Mr. WICKER are printed in today's RECORD under ''Morning Business.'')

Mr. WICKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## UNANIMOUS CONSENT AGREEMENT—S.J. RES. 39

Mr. DURBIN. Mr. President, I ask unanimous consent that on Wednesday, September 29, at 10 a.m., the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 39, a joint resolution providing for Congress's disapproval under chapter 8 of title 5 United States Code of the rule relating to the status as a grandfathered health plan under the Patient Protection and Affordable Care Act; that there be 2 hours of debate on the motion to proceed, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then there be 1 hour of debate with respect to the joint resolution, with the time divided as specified above; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate then proceed to vote on passage of the joint resolution; provided further that if the motion to proceed to the joint resolution is defeated, that no further motion to proceed to the joint resolution be in order for the remainder of this Congress; further, that no amendments or any other motions be in order to the joint resolution, and that all other provisions of the statute governing consideration of the joint resolution remain in effect.

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

## MORNING BUSINESS

Mr. DURBIN. Mr. President, 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.

## NEVADA OPERA THEATRE

Mr. REID. Mr. President, I rise today to recognize the 25th anniversary and great impact of the Nevada Opera Theatre in Las Vegas, NV. A pillar in the arts, education and entertainment in southern Nevada, we are proud of the Nevada Theatre Opera and its many achievements since inception. It is my great pleasure to honor this fine institution along with its participants, patrons and volunteers here before the U.S. Senate today.

Known as a global center of entertainment and the arts, Las Vegas, NV, enjoys an incredible atmosphere of music and theatre. Eileen Hayes desired to add the immense impact of opera to this reputation and realized her goal with the foundation of the Nevada Opera Theatre in October of 1985. She brought opera music and performance to southern Nevada. Her work has been instrumental, and since the first performance in August of 1986, audiences have been captivated by productions including: La Boheme, La Traviata, Tosca and Die Fledermaus, to name a few.

The theatre continues on today as the major nonprofit opera company in southern Nevada. Comprised of Nevada Opera Theatre artists, chorus, and children's chorus and orchestra, membership surpasses 120. Many of the included artists are nationally and internationally recognized, while others are talented regional and local performers. All artists exude an excellent caliber or professionalism in the development of their craft.

As I have previously mentioned, these citizen performers not only entertain. Opera Outreach has performed for over 115,000 Clark County School District and private students, touching a great many lives in the ongoing education of our youth. Everyone is invited to participate by either joining the theatre or becoming a patron, making the education all the more tangible. Outreach encompasses not only programs in the schools but additional programming in local malls, hospices, hospitals, and for civic and community organizations.

I join with my fellow Nevadans in honoring the Nevada Opera Theatre for its 25 years of service. Now well into its third decade, this institution has worked to bring a knowledge and appreciation of music to the people of southern Nevada, and I have no doubt that it will continue to do so for years to come. I am grateful and honored to recognize the 25th anniversary of the Nevada Opera Theatre.

## TRIBUTE TO JUDGE JOHN MENDOZA

Mr. REID. Mr. President, I rise before the Senate today to call attention to one of Nevada's finest advocacy programs. This year marks the 30th Anniversary of the Court Appointed Special Advocate Program, CASA. In Clark County, NV, the CASA program became a reality as a direct result of the efforts of Judge John F. Mendoza. Today I ask my colleagues to join with me in applauding the noble deeds performed by Judge Mendoza and the CASA Program.

Born and raised in Las Vegas, NV, John received his juris doctor degree from the University of Notre Dame in 1952. After returning to Nevada, he eventually served as Clark County district attorney, North Las Vegas city attorney, and Justice of the Peace of Las Vegas Township. His Honor was elected to district court judge of the State of Nevada, a position he held for 24 years. Judge Mendoza served as the president of the National Council of Juvenile and Family Court Judges.

During his career, Judge Mendoza recognized the desperate need for skilled and timely decisionmaking in the lives of abused, neglected and abandoned children, not only in Nevada but across the country. He used his knowledge, passion, and energy to educate and extract a level of excellence when dealing with caseworkers, parents and court proceedings in regard to appropriate needs evaluation and placement. He demanded a clear vision of roles and procedures. He held caseworkers responsible to the children they represented and answerable to the court for decisions they made.

Judge Mendoza recognized the lack of quality in the court process and did not tolerate the unfortunate delays in court hearing dates which often resulted in children literally growing up without permanent homes. As a result, Judge Mendoza championed national guidelines for improving court practices in child protective cases. He helped to establish methods for monitoring court schedules to prevent unnecessary delays and to control continuances. He urged competent representation thru the CASA and guardian ad litem programs. Through his tireless efforts, family courts began to take into account not only the children's safety but also the emotional impact of separation.

A lifetime of dedication to the rights of the children of Nevada and beyond has resulted in a national program that engages volunteers to be a voice for neglected and abused children. Each CASA volunteer in turn has an opportunity to walk in the footsteps of Judge John Mendoza in making a meaningful and constructive difference. Those footsteps lead to protecting and preserving the rights and interests of children who are unsafe in their own homes; to insuring that all aspects of the family court system perform in a child's best interest and secures a safe and permanent home for that child.

I am deeply grateful for the work performed by CASA and its many volunteers. The chance to advocate on behalf of someone in need is the greatest opportunity afforded to those who serve in our legal system. I stand before the Senate today and thank the CASA program and Judge Mendoza for these 30 years of remarkable service.

## TRIBUTE TO CHIEF JUSTICE JEFF AMESTOY

Mr. LEAHY. Mr. President, this summer, Marcelle and I were honored to be at the Vermont Supreme Court with former Supreme Court Justice Jeff Amestoy, his wife Susan, and their daughters. Like all Vermonters, I have respected his tenure, both as attorney general and as chief justice, as both were exemplary. While the portrait captures the image of the Jeff Amestoy his friends honor and care for, his words are what should be read by everyone who cares about our judiciary. Jeff's commitment to the law, our justice system, and our sense of what makes Vermont the State we love is in his words. They were so impressive I asked him for a copy, and I ask unanimous consent that they be printed in the RECORD.

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

REMARKS OF CHIEF JUSTICE JEFF AMESTOY (RETIRED) AT PORTRAIT CEREMONY

VERMONT SUPREME COURT

(Montpelier, VT, Aug. 13, 2010)

Governor Douglas, Senator Leahy, Chief Justice Reiber, family and friends:

Thank you for the honor you do me by attending this ceremony. Thank you Justice Burgess for your generous introductory remarks. Brian Burgess served as Deputy Attorney General when I was Attorney General. I doubt that either of us could have foreseen this day but here we are together again. History may not repeat itself, but it sometimes rhymes.

Thank you Kenneth McIntosh Daly—artist, rancher, and friend who has once again made the trip from California to Vermont.

And thank you to my daughters Katherine, Christina, and Nancy for the unveiling.

This September I begin my seventh year as a Fellow at the Harvard Kennedy School nearly as long as I served on the Supreme Court of Vermont.

For those of you wondering how a Harvard Fellow spends his time, I can say I have spent the better part of the last two years living in the nineteenth century—more precisely in the Boston of the decade before the Civil War.

It was a time when a young man working as a waiter in a coffee house, or a clerk in a clothing store, could be seized by agents of the United States Government, brought before a Judge, and under the provisions of the new Fugitive Slave Law (where no process was due), be sent back into slavery.

Contrary to what I thought I knew about American history, Boston in the period leading up to the Civil War, was in the words of Charles Francis Adams, Jr., ''almost avowedly a proslavery community.'' ''It was a time'' wrote Emerson, ''when judges, bank presidents, railroad men, men of fashion, and lawyers universally all took the side of slavery.''

Well, almost all. I am interested in understanding how a society, and particularly the legal establishment of 1850s Boston, was transformed from the beginning of the decade when Daniel Webster said ''no lawyer who makes more than $40 a year is against the Fugitive Slave Law,'' to the end of the decade when lawyers literally went to war against it.

My window on that time, curiously enough, opened when I saw a portrait of a lawyer of that period.

So this day, for many reasons, has prompted me to look to a future as far removed from us today as the Boston of 1850. A century from now when each of us will be someone's memory, there will be, I trust, remembrances of things past.

In some building if not this one, there will be a wall where portraits of forgotten Chief Justices still hang—or where an enterprising curator has retrieved old paintings and artifacts for an exhibit of our times.

And on some class field trip (for those will always be with us), among a group of very bored students, there may be (if the world is lucky to still have teachers as inspiring as Mrs. Amestoy), a bright, curious student who will pause in front of this painting.

She will not, of course, recognize its subject, but as she looks through the window in the portrait, she will see Mt. Mansfield. And the window of the painting will begin to open for her a window on our time.

Our young historian will immerse herself in the flood of newspapers, opinions, and books of those long ago days at the beginning of the twenty-first century. On the basis of the documentation and her own insight, she will attempt to bring to life the color and passion when the social changes were so profound that even on our own time scholars characterized the upheaval as ''The Great Disruption.''

If our young scholar has had a history teacher as good as Mr. Remington, she will know she cannot rely on a single perspective. (In any event, my autobiography, The Indispensable Man, will long be out of print). But our future historian will be struck, as many historians have been, by the disproportionate impact Vermont has had on American history. She will not lack in material looking back at our time.

One Vermont Senator whose unparalleled leadership of the Senate Judiciary Committee, and pivotal endorsement of America's first African-American President, will echo down the halls of history; another whose rejection of the narrow partisanship of his party realigned the political balance of the United States Senate. A Governor whose candidacy for the Presidency altered the nature of presidential campaigns; another whose exemplary service at the beginning of the twenty-first century reflected the virtues Vermont's eighteenth century constitution calls ''absolutely necessary . . . the firm adherence to justice, moderation, temperance, industry, and frugality.''

Our historian will read of an opinion of the Vermont Supreme Court that framed a debate for a nation. And of the people of Vermont who demonstrated what the result is when that debate is conducted with respect and resolved in humanity.

If the Vermont of the twenty-second century is as blessed as ours, there will still be a justice system that ''speaks for principle and listens for change.'' Just as the Commission on the Future of Vermont's Justice System envisioned when on the eve of the twenty-first century a new Chief Justice wrote: ''if the future is realized in the way every member of the Commission devoutly wishes it to be, a century hence our successors will

hear these fundamental principles resonate as clearly as we hear them resonate today.''

I am optimistic about that future. How could I not be with these daughters?

This portrait (assuming, of course, it is actually hung) may gather dust well into the next century. As school field trips will endure, I am confident that so too will the duty of new law clerks to conduct students on tours.

To the question: ''Who is that in the painting?'' I trust that current and future clerks will always know the answer is: ''A Vermonter.''

## ROBERT C. BYRD MINE AND WORKPLACE SAFETY ACT

Mr. HARKIN. Mr. President, I rise to express my strong support for the Robert C. Byrd Mine and Workplace Safety Act. This bill establishes vital new workplace safety measures and it deserves consideration here on the Senate floor.

In 2009, there were 4,340 workplace fatalities. In my home State of Iowa, 78 people were killed on the job. This year, we have already witnessed the horrific mine catastrophe that killed 29 people in West Virginia, the fire at the Tesoro oil refinery in Washington State that killed 7 workers, and the BP Deepwater Horizon platform explosion that killed 11 people and was an environmental catastrophe for the Gulf of Mexico.

As the son of a coal miner, I feel these losses very deeply, on a very personal level. My heart goes out to the family and coworkers of every worker who is killed or injured on the job. Too many of these tragedies are preventable, and we should not rest until the day that no hardworking American has to sacrifice his or her life for a paycheck.

History teaches us that stronger laws protecting worker safety make a big difference, but our current laws are not doing the job. That is why I strongly support the Robert C. Byrd Mine and Workplace Safety Act, which would make long overdue improvements to our workplace safety laws and save the lives of many thousands of hardworking Americans.

For months, we have been negotiating with Republicans trying to agree to a bipartisan bill that improves workplace safety. I think it is fair to say there have been setbacks in our discussions recently, but we want and intend to keep working with our Republican colleagues to craft a bipartisan bill—in this Congress or early in the next—that we can get to the President's desk.

This has been a long and difficult process as we try to reconcile policy differences between Democrats and Republicans on these important issues. Nevertheless, we will keep working to bridge those differences because it is critical that we find a way to agree on legislation that is consistent with certain core principles:

Every American deserves to go to work without fearing for his or her life;

Responsible businesses that put safety first shouldn't have to compete with businesses that prioritize a quick buck over the safety of their employees;

Employers who put workers' lives at risk should face serious consequences that will force them to change their ways;

Companies shouldn't be able to hide behind high priced lawyers and convoluted corporate forms to avoid being held accountable for their actions;

Critical agencies charged with protecting workers' lives should have all the tools they need to get the job done; and

Whistleblowers are the first line of defense in safe workplaces, and deserve strong protection from discrimination and retaliation.

While there may be many ways to achieve these goals, the Robert C. Byrd Mine and Workplace Safety Act clearly reflects these core principles, and its passage would be a major step forward for workplace safety. That is why I am proud to be a cosponsor of the bill, and that is why I would ask my Republican colleagues to give us an opportunity to debate this legislation on the floor.

This legislation makes common sense reforms to the Occupational Safety and Health Act, which has not been significantly updated since it was passed 40 years ago. For example, whistleblower protection under the act is toothless and unfairly tilted against workers who risk their career to protect the public welfare. This bill makes essential changes to ensure that workers are protected, including lengthening OSHA's 30-day statute of limitation for whistleblowers, providing for reinstatement while the legal process unfolds for cases with an initial finding of merit, and giving the worker the right to file their own claim in court if the government does not investigate the claim in a timely manner.

The bill also strengthens criminal and civil penalties that, at present, are too weak to protect workers. Under current law, an employer may be charged—at most—with a misdemeanor when a willful violation of OSHA leads to a worker's death. Under the Robert C. Byrd Mine and Workplace Safety Act, felony charges are available for an employer's repeated and willful violations of OSHA that result in a worker's death or serious injury. The bill also updates OSHA civil penalties, which have been unchanged since 1990, and sets a minimum penalty of $50,000 for a worker's death caused by a willful violation.

In addition to toughening sanctions for employers who needlessly expose their employees to risk, the bill makes sure that the government is responsive to the worker when investigating the charges. It guarantees victims the right to meet with the person investigating the claim, to be notified of and receive copies of reports or citations issued in the investigation, and to be notified of and have the right to appear at proceedings related to their case. Victims of retaliation should not suffer the double indignity of being ignored by government officials charged with protecting them.

The bill also makes critical changes in our mine safety laws. We still don't know exactly what caused the tragic death of 29 miners at Upper Big Branch, but we do know that the mine had an appalling safety record, and that the tragedy might have been prevented had the Mine Safety Health Administration, MSHA, had effective tools to target such a chronically unsafe mine.

We have provisions in our laws that are supposed to target repeat offenders—called the ''pattern of violations'' process—but this system is broken and badly needs to be revamped.

As bad as Upper Big Branch's record was, the law has been interpreted to allow it to continue operating without ''pattern of violation'' treatment as long as its operators can reduce their violations by more than one third in response to a written warning. With a record as spotty as Upper Big Branch's, a partial reduction in its numerous citations is hardly a sign of a safe mine, and it should not be a ''get out of jail free'' card to escape the intent of the law.

Operators are also finding creative ways to ensure that the system cannot work as Congress intended. Some chronic violators have avoided being placed on ''pattern of violation'' status and avoided paying legitimate penalties by contesting nearly every citation that is assessed against them. Because MSHA uses only final orders to establish a pattern of violations and there is a substantial backlog of cases the Federal Mine Safety and Health Review Commission, repeat offenders are able to evade pattern of violations status by contesting large numbers of violations. At the Upper Big Branch coal mine, for example, Massey contested 97 percent of its ''significant and substantial'' violations in 2007. These appeals can take up to three years to resolve, virtually guaranteeing that mines are never placed on pattern status.

MSHA needs to be able to respond to safety concerns in real time, not 3 years later. This legislation changes the pattern of violation system so that MSHA will be able to address unsafe conditions as they occur, and gives MSHA the enforcement tools it needs to put dangerous mines back on track.

Let me respond to recent suggestions that Democrats have been playing political theatre with important safety and health legislation. We want to pass bipartisan legislation based on a shared commitment to workplace safety. I am thoroughly committed to that process, and I hope it continues. But we will not support weak or ineffective reforms in the name of bipartisanship.

Workplace accidents—whether in a mine, an oil refinery, or wherever—are preventable. All we are asking for is an opportunity to debate, amend, and vote

on a bill that will make real progress in improving the safety of our most dangerous workplaces. If we are not allowed that opportunity today, I plan to keep pressing forward on this issue until we get that chance. It is far too important, and too many lives are at stake, to give up now.

## ADDITIONAL STATEMENTS

### HAWAII BLUE RIBBON SCHOOLS

● Mr. AKAKA. Mr. President, today I congratulate three Hawaii schools for being recognized as Blue Ribbon Schools for 2010 by the U.S. Department of Education. These schools, Ewa Beach Elementary School, Momilani Elementary School, and Royal School, serve as models of success and accomplishment.

The Blue Ribbon Schools Program honors public and private elementary, middle, and high schools whose students achieve at very high levels or have made significant progress and helped close gaps in achievement, especially among disadvantaged and minority students.

The program is part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices.

I wish to extend my aloha to the principals: Sherry Lee Kobayashi of Ewa Beach, Doreen Higa of Momilani, and Ann Sugibayashi of Royal. As a former principal, I know firsthand the dedication that goes into leading schools and staffs, and I commend them for their hard work on behalf of their students and communities. I also commend the students, families, teachers, and staff of all three schools for their contributions towards this recognition.

I am proud of all that our keiki, the children, can accomplish when they are given access to quality education. My sincere mahalo, thanks, again, to Ewa Beach Elementary School, Momilani Elementary School, and Royal School for their efforts to give our students the best education possible. I offer my congratulations to all 2010 Blue Ribbon Schools nationwide and my sincere wishes for success in their futures.●

### BROOMFIELD COMPOSITE SQUADRON

● Mr. BENNET. Mr. President, I congratulate the Broomfield Composite Squadron for being named the 2010 Civil Air Patrol Squadron of Distinction. This honor speaks to the dedication and hard work of each cadet and senior member, as well as the squadron's leadership in providing outstanding programs and recruitment.

The Broomfield Composite Squadron was selected as the squadron with the best performance from all 50 States, the District of Columbia, and Puerto Rico for its excellence in cadet programs, rapid increase in membership, and high percentage of cadet progression through the program.

Communities across Colorado and the country have come to depend on the Civil Air Patrol in times of emergency for search and rescue expertise, but CAP's development and education of young leaders is equally important. The Broomfield Composite Squadron's success in this area, and its recognition as the best in the country, means that Colorado is especially lucky to have so many young people willing to serve their community, learn about aerospace technology, and prepare for their futures.

All of Colorado is proud and grateful for the Broomfield Composite Squadron's commitment to serving as a model for CAP squadrons across the country.●

### TRIBUTE TO TERRY ALLEN PERL

● Mr. CARDIN. Mr. President, I would like my colleagues to join me today in honoring the work of Terry Allen Perl, who has served the Chimes Family of Services for 40 years.

The Chimes Family of Services is an international agency delivering a wide variety of support to more than 17,000 people. Chimes offers an extensive range of services from educational services to residential support and psychiatric services. It serves people of all ages and varying levels of ability, providing assistance to people with developmental disabilities, mental illness, and other specialized needs. It offers an important support network to people with disabilities and their families as they work to achieve their goals, aspirations, and dreams.

Terry Allen Perl started his career with Chimes, Inc. in January of 1971. He was the first director of a community-based residential facility in the State of Maryland for people with intellectual disabilities. His vision and leadership over the intervening years have led to the extraordinary success of the organization as he has helped to expand its educational, habilitation, employment, vocational, residential, and support services.

Under Mr. Perl's leadership, Chimes has moved from being a provider of services to one of the largest contractors employing people with disabilities. Chimes provides janitorial and facility services for the U.S. Government and for the State of Maryland.

Under Mr. Perl's guidance, Chimes has expanded from serving 200 people in the Baltimore area to more than 17,000 people from North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, the District of Columbia, and the State of Israel.

Mr. Pearl has received numerous awards and honors in recognition of his innovative and pioneering programs. He has been a leader and member of numerous professional organizations including: ANCOR, American Network of Community Options and Resources, CARF, Commission on Accreditation of Rehabilitation Facilities, AAMR, American Association on Mental Retardation, Maryland Works, Baltimore City Mayor's Commission on Disabilities, Developmental Disabilities Council, Baltimore County Workforce Investment Council, and the Baltimore County Commission on Disabilities. He is a frequent lecturer, consultant, and advisor to numerous provider agencies, advocacy groups, associations, and government entities. During his tenure as president and chief executive officer, Chimes has become nationally and internationally recognized as a provider of services and jobs for those with disabilities.

I hope my colleagues will join me in thanking Terry Allen Perl for his 40 years of dedicated service to the Chimes Family of Services organization and for his outstanding contributions to improving the lives of people with disabilities and their families and communities in Maryland, throughout our Nation, and in Israel.●

### BALTIMORE JOB OPPORTUNITIES TASK FORCE

● Mr. CARDIN. Mr. President, I encourage my colleagues to join me in paying special tribute to the Job Opportunities Task Force, JOTF, an independent advocacy and monitoring organization in Baltimore, MD, that is celebrating 10 years of service.

JOTF was begun in 1996 by a handful of people who were concerned about job opportunities for low-skilled job seekers in the Baltimore area. They called themselves the Job Opportunities Task Force, and they hoped they could help unemployed and underemployed men and women. They had a short-term goal, which was to come up with ideas and recommendations that would break down barriers to better employment and to bring private and public partners together to implement these changes.

In 1997, the Abell Foundation gave JOTF a grant to prepare a report on the job gap that would present detailed information about what types of jobs were available in the Baltimore region, where they were located, what they paid, what levels of education and skills were required, and where the potential workers were. The report, entitled ''Baltimore Area Jobs and Low Skill Job Seekers,'' was published in 1999 and revealed many gaps between the workforce and the jobs that were available—far too many impediments to be solved with a few meetings.

Since its incorporation in 2000, JOTF has become a leading voice on workforce issues in Maryland, supporting a range of State policy initiatives and budget decisions, including increased investment in adult education and job training in communities and in prisons. JOTF has lobbied to expand the earned income tax credit, reduce barriers to (re)employment for ex-offenders, and reform unemployment insurance.

JOTF designs programs that create viable career paths for low-wage workers, helping them reach higher wage jobs in industries that need more skilled workers. A good example of JOTF's success is JumpStart, a pre-apprenticeship program created and managed by JOTF that trains 100 low-wage Baltimore residents each year to become licensed electricians, plumbers, or carpenters. JOTF also convenes public meetings on local and national topics related to employment and the workforce. These meetings attract employers, policymakers, interested citizens, and direct service providers. JOTF's research informs policymakers and the public and encourages the development of programs based on best practices. It explores the impact of specific policies and provides recommendations on how policies can better serve workers, families, employers, and the State's economy.

JOTF is making a significant difference in Maryland. I urge my colleagues to join me today in congratulating JOTF's founding chair, Joanne Nathans, whose gentle nature and steely convictions have improved the lives of countless Baltimoreans and their families. Please join me in sending best wishes to JOTF on the occasion of its 10th anniversary and in thanking JOTF for improving the lives of Maryland job seekers, workers, and their families.●

## DAKOTA WESLEYAN UNIVERSITY

● Mr. JOHNSON. Mr. President, today I wish to celebrate the 125th anniversary of the founding of Dakota Wesleyan University, DWU, in Mitchell, SD. DWU has provided a well-rounded education that emphasizes learning, leadership, faith, and service to its students since its founding 125 years ago. Graduates of the university have gone on to become great community and professional leaders. Today, under the leadership of President Robert Duffett, DWU strives to connect its proud heritage with its promising future.

In 1883, a group of Methodist settlers received a charter to found the Dakota Wesleyan University. DWU serves as the university for the Dakotas Conference of the United Methodist Church. Soon after the university opened, Dakota Wesleyan students demonstrated their success through their excellent oratorical skills. They participated in the Intercollegiate Oratorical Contest and won 5 of its first 11 competitions. This is just one of many examples of DWU students' ability to excel.

With a student body just larger than 750 people, the university offers a very personalized experience. The university is composed of three colleges: the College of Arts and Humanities, the College of Healthcare, Fitness and Sciences, and the College of Leadership and Public Service. These colleges allow for students to pursue an education in both liberal arts and professional programs.

In addition to academic programs, students also participate in service work to aid people in South Dakota and around the world. Recent mission trip locations have included Tanzania and Mexico, where students served those living in extreme poverty. Through the Leadership and Public Service Program, students have the opportunity to study contemporary issues and perform public service through internship placements. Such broad educational opportunities provided by DWU help students explore citizenry locally and internationally.

On Saturday, October 2, 2010, DWU will celebrate its Blue and White Bash at the Corn Palace in Mitchell, SD. Dakota Wesleyan University has provided our State quality education and a positive social environment. DWU students are well equipped to succeed in a competitive world, delivering countless benefits to organizations and communities close to home and around the globe. With alumni as accomplished as former U.S. Senator George McGovern and his wife Eleanor McGovern, DWU continues to live up to its mission of being ''a leading university that educates students to identify and develop their individual talents for successful lives in service to God and the common good.''●

## REMEMBERING TED WILLIAMS

● Mr. KERRY. Mr. President, baseball celebrates ''walk off'' home runs, the four baggers that bring a game to an end. But 50 years ago today, the greatest hitter who ever lived, No. 9, Ted Williams, hit the ultimate ''walk off'' homer. After 21 seasons with our Red Sox, ''The Kid'' homered deep into right field in his very last at bat. At 42, despite the toll of nagging injuries, some of which dated back to his combat tours, Ted lofted the ball into the right field bleachers, not all that far from the spot where he hit the longest homerun in the history of Fenway Park at 502 feet. To this day the record stands and the seat in those bleachers is memorialized in red. This home run might not have been the longest but it was a fitting farewell to the game he loved so much—and excelled at like no other. He was bigger than life.

We revered Ted Williams for many reasons—for what he did on the field, and off of it as well. It was not just his lifelong commitment to the Jimmy Fund, but the selfless way he twice walked away from baseball and served his country in uniform in World War II and in Korea where he was wingman to another icon, John Glenn. He was a two time American League Most Valuable Player, boasted a career batting average of .344, an on base percentage of .551, lead the league in batting six times, and hammered 521 home runs. Ted Williams was guts and grit personified—and all of Red Sox Nation was grateful for the special way he welcomed us into his hearts in his final years, at last tipping his cap to the fans of Boston, and letting us say goodbye to him one last time at the 1999 All Star Game in Boston when—on the Fenway mound—he was surrounded by the great players of the 20th century who were in awe of our own 'Splendid Splinter.' It was one final moment of magic in a career—and life—seemingly ripped from a story-book.

But it was that last home run that John Updike remembers in the extraordinary ''Hub Fans Bid Kid Adieu,'' an essay that captures the greatness of Ted Williams far better than any of us could—and still today, 50 years later, speaks to the Red Sox faithful, and baseball fans across the country. I ask to have this essay printed in the RECORD, and I thank the Senate for taking time today to remember an American icon—Boston's own Ted Williams.

HUB FANS BID KID ADIEU

(By John Updike)

Fenway Park, in Boston, is a lyric little bandbox of a ballpark. Everything is painted green and seems in curiously sharp focus, like the inside of an old-fashioned peeping-type Easter egg. It was built in 1912 and rebuilt in 1934, and offers, as do most Boston artifacts, a compromise between Man's Euclidean determinations and Nature's beguiling irregularities. Its right field is one of the deepest in the American League, while its left field is the shortest; the high left-field wall, three hundred and fifteen feet from home plate along the foul line, virtually thrusts its surface at right-handed hitters. On the afternoon of Wednesday, September 28th, as I took a seat behind third base, a uniformed groundkeeper was treading the top of this wall, picking batting-practice home runs out of the screen, like a mushroom gatherer seen in Wordsworthian perspective on the verge of a cliff. The day was overcast, chill, and uninspirational. The Boston team was the worst in twenty-seven seasons. A jangling medley of incompetent youth and aging competence, the Red Sox were finishing in seventh place only because the Kansas City Athletics had locked them out of the cellar. They were scheduled to play the Baltimore Orioles, a much nimbler blend of May and December, who had been dumped from pennant contention a week before by the insatiable Yankees. I, and 10,453 others, had shown up primarily because this was the Red Sox's last home game of the season, and therefore the last time in all eternity that their regular left fielder, known to the headlines as TED, KID, SPLINTER, THUMPER, TW, and, most cloyingly, MISTER WONDERFUL, would play in Boston. ''WHAT WILL WE DO WITHOUT TED? HUB FANS ASK'' ran the headline on a newspaper being read by a bulb-nosed cigar smoker a few rows away. Williams' retirement had been announced, doubted (he had been threatening retirement for years), confirmed by Tom Yawkey, the Red Sox owner, and at last widely accepted as the sad but probable truth. He was forty-two and had redeemed his abysmal season of 1959 with a—considering his advanced age—fine one. He had been giving away his gloves and bats and had grudgingly consented to a sentimental ceremony today. This was not necessarily his last game; the Red Sox were scheduled to travel to New York and wind up the season with three games there.

I arrived early. The Orioles were hitting fungos on the field. The day before, they had spitefully smothered the Red Sox, 17–4, and neither their faces nor their drab gray visiting-team uniforms seemed very gracious. I

wondered who had invited them to the party. Between our heads and the lowering clouds a frenzied organ was thundering through, with an appositeness perhaps accidental, ''You maaaade me love you, I didn't wanna do it, I didn't wanna do it . . .''

The affair between Boston and Ted Williams has been no mere summer romance; it has been a marriage, composed of spats, mutual disappointments, and, toward the end, a mellowing hoard of shared memories. It falls into three stages, which may be termed Youth, Maturity, and Age; or Thesis, Antithesis, and Synthesis; or Jason, Achilles, and Nestor.

First, there was the by now legendary epoch when the young bridegroom came out of the West, announced ''All I want out of life is that when I walk down the street folks will say 'There goes the greatest hitter who ever lived.' '' The dowagers of local journalism attempted to give elementary deportment lessons to this child who spake as a god, and to their horror were themselves rebuked. Thus began the long exchange of backbiting, hat-flipping, booing, and spitting that has distinguished Williams' public relations. The spitting incidents of 1957 and 1958 and the similar dockside courtesies that Williams has now and then extended to the grandstand should be judged against this background: the left-field stands at Fenway for twenty years have held a large number of customers who have bought their way in primarily for the privilege of showering abuse on Williams. Greatness necessarily attracts debunkers, but in Williams' case the hostility has been systematic and unappeasable. His basic offense against the fans has been to wish that they weren't there. Seeking a perfectionist's vacuum, he has quixotically desired to sever the game from the ground of paid spectatorship and publicity that supports it. Hence his refusal to tip his cap to the crowd or turn the other cheek to newsmen. It has been a costly theory—it has probably cost him, among other evidences of good will, two Most Valuable Player awards, which are voted by reporters—but he has held to it from his rookie year on. While his critics, oral and literary, remained beyond the reach of his discipline, the opposing pitchers were accessible, and he spanked them to the tune of .406 in 1941. He slumped to .356 in 1942 and went off to war.

In 1946, Williams returned from three years as a Marine pilot to the second of his baseball avatars, that of Achilles, the hero of incomparable prowess and beauty who nevertheless was to be found sulking in his tent while the Trojans (mostly Yankees) fought through to the ships. Yawkey, a timber and mining maharajah, had surrounded his central jewel with many gems of slightly lesser water, such as Bobby Doerr, Dom DiMaggio, Rudy York, Birdie Tebbetts, and Johnny Pesky. Throughout the late forties, the Red Sox were the best paper team in baseball, yet they had little three-dimensional to show for it, and if this was a tragedy, Williams was Hamlet. A succinct review of the indictment—and a fair sample of appreciative sports-page prose—appeared the very day of Williams' valedictory, in a column by Huck Finnegan in the Boston American (no sentimentalist, Huck):

Williams' career, in contrast [to Babe Ruth's] has been a series of failures except for his averages. He flopped in the only World Series he ever played in (1946) when he batted only .200. He flopped in the playoff game with Cleveland in 1948. He flopped in the final game of the 1949 season with the pennant hinging on the outcome (Yanks 5, Sox 3). He flopped in 1950 when he returned to the lineup after a two-month absence and ruined the morale of a club that seemed pennant-bound under Steve O'Neill. It has always been Williams' records first, the team second, and the Sox non-winning record is proof enough of that.

There are answers to all this, of course. The fatal weakness of the great Sox slugging teams was not-quite-good-enough pitching rather than Williams' failure to hit a home run every time he came to bat. Again, Williams' depressing effect on his teammates has never been proved. Despite ample coaching to the contrary, most insisted that they liked him. He has been generous with advice to any player who asked for it. In an increasingly combative baseball atmosphere, he continued to duck beanballs docilely. With umpires he was gracious to a fault. This courtesy itself annoyed his critics, whom there was no pleasing. And against the ten crucial games (the seven World Series games with the St. Louis Cardinals, the 1948 playoff with the Cleveland Indians, and the two-game series with the Yankees at the end of the 1949 season, winning either one of which would have given the Red Sox the pennant) that make up the Achilles' heel of Williams' record, a mass of statistics can be set showing that day in and day out he was no slouch in the clutch. The correspondence columns of the Boston papers now and then suffer a sharp flurry of arithmetic on this score; indeed, for Williams to have distributed all his hits so they did nobody else any good would constitute a feat of placement unparalleled in the annals of selfishness.

Whatever residue of truth remains of the Finnegan charge those of us who love Williams must transmute as best we can, in our own personal crucibles. My personal memories of Williams begin when I was a boy in Pennsylvania, with two last-place teams in Philadelphia to keep me company. For me, ''W'ms, lf'' was a figment of the box scores who always seemed to be going 3-for-5. He radiated, from afar, the hard blue glow of high purpose. I remember listening over the radio to the All-Star Game of 1946, in which Williams hit two singles and two home runs, the second one off a Rip Sewell ''blooper'' pitch; it was like hitting a balloon out of the park. I remember watching one of his home runs from the bleachers of Shibe Park; it went over the first baseman's head and rose meticulously along a straight line and was still rising when it cleared the fence. The trajectory seemed qualitatively different from anything anyone else might hit. For me, Williams is the classic ballplayer of the game on a hot August weekday, before a small crowd, when the only thing at stake is the tissue-thin difference between a thing done well and a thing done ill. Baseball is a game of the long season, of relentless and gradual averaging-out. Irrelevance—since the reference point of most individual games is remote and statistical—always threatens its interest, which can be maintained not by the occasional heroics that sportswriters feed upon but by players who always care; who care, that is to say, about themselves and their art. Insofar as the clutch hitter is not a sportswriter's myth, he is a vulgarity, like a writer who writes only for money. It may be that, compared to managers' dreams such as Joe DiMaggio and the always helpful Stan Musial, Williams is an icy star. But of all team sports, baseball, with its graceful intermittences of action, its immense and tranquil field sparsely settled with poised men in white, its dispassionate mathematics, seems to me best suited to accommodate, and be ornamented by, a loner. It is an essentially lonely game. No other player visible to my generation has concentrated within himself so much of the sport's poignance, has so assiduously refined his natural skills, has so constantly brought to the plate that intensity of competence that crowds the throat with joy.

By the time I went to college, near Boston, the lesser stars Yawkey had assembled around Williams had faded, and his craftsmanship, his rigorous pride, had become itself a kind of heroism. This brittle and temperamental player developed an unexpected quality of persistence. He was always coming back—back from Korea, back from a broken collarbone, a shattered elbow, a bruised heel, back from drastic bouts of flu and ptomaine poisoning. Hardly a season went by without some enfeebling mishap, yet he always came back, and always looked like himself. The delicate mechanism of timing and power seemed locked, shockproof, in some case outside his body. In addition to injuries, there were a heavily publicized divorce, and the usual storms with the press, and the Williams Shift—the maneuver, custom-built by Lou Boudreau, of the Cleveland Indians, whereby three infielders were concentrated on the right side of the infield, where a left-handed pull hitter like Williams generally hits the ball. Williams could easily have learned to punch singles through the vacancy on his left and fattened his average hugely. This was what Ty Cobb, the Einstein of average, told him to do. But the game had changed since Cobb; Williams believed that his value to the club and to the game was as a slugger, so he went on pulling the ball, trying to blast it through three men, and paid the price of perhaps fifteen points of lifetime average. Like Ruth before him, he bought the occasional home run at the cost of many directed singles—a calculated sacrifice certainly not, in the case of a hitter as average-minded as Williams, entirely selfish.

After a prime so harassed and hobbled, Williams was granted by the relenting fates a golden twilight. He became at the end of his career perhaps the best old hitter of the century. The dividing line came between the 1956 and the 1957 seasons. In September of the first year, he and Mickey Mantle were contending for the batting championship. Both were hitting around .350, and there was no one else near them. The season ended with a three-game series between the Yankees and the Sox, and, living in New York then, I went up to the Stadium. Williams was slightly shy of the four hundred at-bats needed to qualify; the fear was expressed that the Yankee pitchers would walk him to protect Mantle. Instead, they pitched to him—a wise decision. He looked terrible at the plate, tired and discouraged and unconvincing. He never looked very good to me in the Stadium. (Last week, in Life, Williams, a sportswriter himself now, wrote gloomily of the Stadium, ''There's the bigness of it. There are those high stands and all those people smoking—and, of course, the shadows. . . . It takes at least one series to get accustomed to the Stadium and even then you're not sure.'') The final outcome in 1956 was Mantle .353, Williams .345.

The next year, I moved from New York to New England, and it made all the difference. For in September of 1957, in the same situation, the story was reversed. Mantle finally hit .365; it was the best season of his career. But Williams, though sick and old, had run away from him. A bout of flu had laid him low in September. He emerged from his cave in the Hotel Somerset haggard but irresistible; he hit four successive pinch-hit home runs. ''I feel terrible,'' he confessed, ''but every time I take a swing at the ball it goes out of the park.'' He ended the season with thirty-eight home runs and an average of .388, the highest in either league since his own .406, and, coming from a decrepit man of thirty-nine, an even more supernal figure. With eight or so of the ''leg hits'' that a younger man would have beaten out, it would have been .400. And the next year, Williams, who in 1949 and 1953 had lost batting

championships by decimal whiskers to George Kell and Mickey Vernon, sneaked in behind his teammate Pete Runnels and filched his sixth title, a bargain at .328.

In 1959, it seemed all over. The dinosaur thrashed around in the .200 swamp for the first half of the season, and was even benched (''rested,'' Manager Mike Higgins tactfully said). Old foes like the late Bill Cunningham began to offer batting tips. Cunningham thought Williams was jiggling his elbows; in truth, Williams' neck was so stiff he could hardly turn his head to look at the pitcher. When he swung, it looked like a Calder mobile with one thread cut; it reminded you that since 1953 Williams' shoulders had been wired together. A solicitous pall settled over the sports pages. In the two decades since Williams had come to Boston, his status had imperceptibly shifted from that of a naughty prodigy to that of a municipal monument. As his shadow in the record books lengthened, the Red Sox teams around him declined, and the entire American League seemed to be losing life and color to the National. The inconsistency of the new superstars—Mantle, Colavito, and Kaline—served to make Williams appear all the more singular. And off the field, his private philanthropy—in particular, his zealous chairmanship of the Jimmy Fund, a charity for children with cancer—gave him a civic presence somewhat like that of Richard Cardinal Cushing. In religion, Williams appears to be a humanist, and a selective one at that, but he and the Cardinal, when their good works intersect and they appear in the public eye together, make a handsome and heartening pair.

Humiliated by his '59 season, Williams determined, once more, to come back. I, as a specimen Williams partisan, was both glad and fearful. All baseball fans believe in miracles; the question is, how many do you believe in? He looked like a ghost in spring training. Manager Jurges warned us ahead of time that if Williams didn't come through he would be benched, just like anybody else. As it turned out, it was Jurges who was benched. Williams entered the 1960 season needing eight home runs to have a lifetime total of 500; after one time at bat in Washington, he needed seven. For a stretch, he was hitting a home run every second game that he played. He passed Lou Gehrig's lifetime total, then the number 500, then Mel Ott's total, and finished with 521, thirteen behind Jimmy Foxx, who alone stands between Williams and Babe Ruth's unapproachable 714. The summer was a statistician's picnic. His two-thousandth walk came and went, his eighteen-hundredth run batted in, his sixteenth All-Star Game. At one point, he hit a home run off a pitcher, Don Lee, off whose father, Thornton Lee, he had hit a home run a generation before. The only comparable season for a forty-two-year-old man was Ty Cobb's in 1928. Cobb batted .323 and hit one homer. Williams batted .316 but hit twenty-nine homers.

In sum, though generally conceded to be the greatest hitter of his era, he did not establish himself as ''the greatest hitter who ever lived.'' Cobb, for average, and Ruth, for power, remain supreme. Cobb, Rogers Hornsby, Joe Jackson, and Lefty O'Doul, among players since 1900, have higher lifetime averages than Williams' .344. Unlike Foxx, Gehrig, Hack Wilson, Hank Greenberg, and Ralph Kiner, Williams never came close to matching Babe Ruth's season home-run total of sixty. In the list of major-league batting records, not one is held by Williams. He is second in walks drawn, third in home runs, fifth in lifetime averages, sixth in runs batted in, eighth in runs scored and in total bases, fourteenth in doubles, and thirtieth in hits. But if we allow him merely average seasons for the four-plus seasons he lost to two wars, and add another season for the months he lost to injuries, we get a man who in all the power totals would be second, and not a very distant second, to Ruth. And if we further allow that these years would have been not merely average but prime years, if we allow for all the months when Williams was playing in sub-par condition, if we permit his early and later years in baseball to be some sort of index of what the middle years could have been, if we give him a right-field fence that is not, like Fenway's, one of the most distant in the league, and if—the least excusable ''if''—we imagine him condescending to outsmart the Williams Shift, we can defensibly assemble, like a colossus induced from the sizable fragments that do remain, a statistical figure not incommensurate with his grandiose ambition. From the statistics that are on the books, a good case can be made that in the combination of power and average Williams is first; nobody else ranks so high in both categories. Finally, there is the witness of the eyes; men whose memories go back to Shoeless Joe Jackson—another unlucky natural—rank him and Williams together as the best-looking hitters they have seen. It was for our last look that ten thousand of us had come.

Two girls, one of them with pert buckteeth and eyes as black as vest buttons, the other with white skin and flesh-colored hair, like an underdeveloped photograph of a redhead, came and sat on my right. On my other side was one of those frowning, chestless young-old men who can frequently be seen, often wearing sailor hats, attending ball games alone. He did not once open his program but instead tapped it, rolled up, on his knee as he gave the game his disconsolate attention. A young lady, with freckles and a depressed, dainty nose that by an optical illusion seemed to thrust her lips forward for a kiss, sauntered down into the box seats and with striking aplomb took a seat right behind the roof of the Oriole dugout. She wore a blue coat with a Northeastern University emblem sewed to it. The girls beside me took it into their heads that this was Williams' daughter. She looked too old to me, and why would she be sitting behind the visitors' dugout? On the other hand, from the way she sat there, staring at the sky and French-inhaling, she clearly was somebody. Other fans came and eclipsed her from view. The crowd looked less like a weekday ballpark crowd than like the folks you might find in Yellowstone National Park, or emerging from automobiles at the top of scenic Mount Mansfield. There were a lot of competitively well-dressed couples of tourist age, and not a few babes in arms. A row of five seats in front of me was abruptly filled with a woman and four children, the youngest of them two years old, if that. Someday, presumably, he could tell his grandchildren that he saw Williams play. Along with these tots and second-honeymooners, there were Harvard freshmen, giving off that peculiar nervous glow created when a quantity of insouciance is saturated with insecurity; thick-necked Army officers with brass on their shoulders and lead in their voices; pepperings of priests; perfumed bouquets of Roxbury Fabian fans; shiny salesmen from Albany and Fall River; and those gray, hoarse men—taxidrivers, slaughterers, and bartenders who will continue to click through the turnstiles long after everyone else has deserted to television and tramporamas. Behind me, two young male voices blossomed, cracking a joke about God's five proofs that Thomas Aquinas exists—typical Boston College levity.

The batting cage was trundled away. The Orioles fluttered to the sidelines. Diagonally across the field, by the Red Sox dugout, a cluster of men in overcoats were festering like maggots. I could see a splinter of white uniform, and Williams' head, held at a self-deprecating and evasive tilt. Williams' conversational stance is that of a six-foot-three-inch man under a six-foot ceiling. He moved away to the patter of flash bulbs, and began playing catch with a young Negro outfielder named Willie Tasby. His arm, never very powerful, had grown lax with the years, and his throwing motion was a kind of muscular drawl. To catch the ball, he flicked his glove hand onto his left shoulder (he batted left but threw right, as every schoolboy ought to know) and let the ball plop into it comically. This catch session with Tasby was the only time all afternoon I saw him grin.

A tight little flock of human sparrows who, from the lambent and pampered pink of their faces, could only have been Boston politicians moved toward the plate. The loudspeakers mammothly coughed as someone huffed on the microphone. The ceremonies began. Curt Gowdy, the Red Sox radio and television announcer, who sounds like everybody's brother-in-law, delivered a brief sermon, taking the two words ''pride'' and ''champion'' as his text. It began, ''Twenty-one years ago, a skinny kid from San Diego, California . . .'' and ended, ''I don't think we'll ever see another like him.'' Robert Tibolt, chairman of the board of the Greater Boston Chamber of Commerce, presented Williams with a big Paul Revere silver bowl. Harry Carlson, a member of the sports committee of the Boston Chamber, gave him a plaque, whose inscription he did not read in its entirety, out of deference to Williams' distaste for this sort of fuss. Mayor Collins presented the Jimmy Fund with a thousand-dollar check.

Then the occasion himself stooped to the microphone, and his voice sounded, after the others, very Californian; it seemed to be coming, excellently amplified, from a great distance, adolescently young and as smooth as a butternut. His thanks for the gifts had not died from our ears before he glided, as if helplessly, into ''In spite of all the terrible things that have been said about me by the maestros of the keyboard up there . . .'' He glanced up at the press rows suspended above home plate. (All the Boston reporters, incidentally, reported the phrase as ''knights of the keyboard,'' but I heard it as ''maestros'' and prefer it that way.) The crowd tittered, appalled. A frightful vision flashed upon me, of the press gallery pelting Williams with erasers, of Williams clambering up the foul screen to slug journalists, of a riot, of Mayor Collins being crushed. ''. . . And they were terrible things,'' Williams insisted, with level melancholy, into the mike. ''I'd like to forget them, but I can't.'' He paused, swallowed his memories, and went on, ''I want to say that my years in Boston have been the greatest thing in my life.'' The crowd, like an immense sail going limp in a change of wind, sighed with relief. Taking all the parts himself, Williams then acted out a vivacious little morality drama in which an imaginary tempter came to him at the beginning of his career and said, ''Ted, you can play anywhere you like.'' Leaping nimbly into the role of his younger self (who in biographical actuality had yearned to be a Yankee), Williams gallantly chose Boston over all the other cities, and told us that Tom Yawkey was the greatest owner in baseball and we were the greatest fans. We applauded ourselves heartily. The umpire came out and dusted the plate. The voice of doom announced over the loudspeakers that after Williams' retirement his uniform number, 9, would be permanently retired—the first time the Red Sox had so honored a player. We cheered. The national anthem was played. We cheered. The game began.

Williams was third in the batting order, so he came up in the bottom of the first inning, and Steve Barber, a young pitcher who was not yet born when Williams began playing for the Red Sox, offered him four pitches, at all of which he disdained to swing, since none of them were within the strike zone. This demonstrated simultaneously that Williams' eyes were razor-sharp and that Barber's control wasn't. Shortly, the bases were full, with Williams on second. ''Oh, I hope he gets held up at third! That would be wonderful,'' the girl beside me moaned, and, sure enough, the man at bat walked and Williams was delivered into our foreground. He struck the pose of Donatello's David, the third-base bag being Goliath's head. Fiddling with his cap, swapping small talk with the Oriole third baseman (who seemed delighted to have him drop in), swinging his arms with a sort of prancing nervousness, he looked fine—flexible, hard, and not unbecomingly substantial through the middle. The long neck, the small head, the knickers whose cuffs were worn down near his ankles—all these points, often observed by caricaturists, were visible in the flesh.

One of the collegiate voices behind me said, ''He looks old, doesn't he, old; big deep wrinkles in his face . . .''

''Yeah,'' the other voice said, ''but he looks like an old hawk, doesn't he?''

With each pitch, Williams danced down the baseline, waving his arms and stirring dust, ponderous but menacing, like an attacking goose. It occurred to about a dozen humorists at once to shout ''Steal home! Go, go!'' Williams' speed afoot was never legendary. Lou Clinton, a young Sox outfielder, hit a fairly deep fly to center field. Williams tagged up and ran home. As he slid across the plate, the ball, thrown with unusual heft by Jackie Brandt, the Oriole center fielder, hit him on the back.

''Boy, he was really loafing, wasn't he?'' one of the boys behind me said.

''It's cold,'' the other explained. ''He doesn't play well when it's cold. He likes heat. He's a hedonist.''

The run that Williams scored was the second and last of the inning. Gus Triandos, of the Orioles, quickly evened the score by plunking a home run over the handy left-field wall. Williams, who had had this wall at his back for twenty years, played the ball flawlessly. He didn't budge. He just stood there, in the center of the little patch of grass that his patient footsteps had worn brown, and, limp with lack of interest, watched the ball pass overhead. It was not a very interesting game. Mike Higgins, the Red Sox manager, with nothing to lose, had restricted his major-league players to the left-field line—along with Williams, Frank Malzone, a first-rate third baseman, played the game—and had peopled the rest of the terrain with unpredictable youngsters fresh, or not so fresh, off the farms. Other than Williams' recurrent appearances at the plate, the maladresse of the Sox infield was the sole focus of suspense; the second baseman turned every grounder into a juggling act, while the shortstop did a breathtaking impersonation of an open window. With this sort of assistance, the Orioles wheedled their way into a 4–2 lead. They had early replaced Barber with another young pitcher, Jack Fisher. Fortunately (as it turned out), Fisher is no cutie; he is willing to burn the ball through the strike zone, and inning after inning this tactic punctured Higgins' string of test balloons.

Whenever Williams appeared at the plate—pounding the dirt from his cleats, gouging a pit in the batter's box with his left foot, wringing resin out of the bat handle with his vehement grip, switching the stick at the pitcher with an electric ferocity—it was like having a familiar Leonardo appear in a shuffle of Saturday Evening Post covers. This man, you realized—and here, perhaps, was the difference, greater than the difference in gifts—really intended to hit the ball. In the third inning, he hoisted a high fly to deep center. In the fifth, we thought he had it; he smacked the ball hard and high into the heart of his power zone, but the deep right field in Fenway and the heavy air and a casual east wind defeated him. The ball died. Al Pilarcik leaned his back against the big ''380'' painted on the right-field wall and caught it. On another day, in another park, it would have been gone. (After the game, Williams said, ''I didn't think I could hit one any harder than that. The conditions weren't good.'')

The afternoon grew so glowering that in the sixth inning the arc lights were turned on—always a wan sight in the daytime, like the burning headlights of a funeral procession. Aided by the gloom, Fisher was slicing through the Sox rookies, and Williams did not come to bat in the seventh. He was second up in the eighth. This was almost certainly his last time to come to the plate in Fenway Park, and instead of merely cheering, as we had at his three previous appearances, we stood, all of us—stood and applauded. Have you ever heard applause in a ballpark? Just applause—no calling, no whistling, just an ocean of handclaps, minute after minute, burst after burst, crowding and running together in continuous succession like the pushes of surf at the edge of the sand. It was a sombre and considered tumult. There was not a boo in it. It seemed to renew itself out of a shifting set of memories as the kid, the Marine, the veteran of feuds and failures and injuries, the friend of children, and the enduring old pro evolved down the bright tunnel of twenty-one summers toward this moment. At last, the umpire signalled for Fisher to pitch; with the other players, he had been frozen in position. Only Williams had moved during the ovation, switching his hat impatiently, ignoring everything except his cherished task. Fisher wound up, and the applause sank into a hush.

Understand that we were a crowd of rational people. We knew that a home run cannot be produced at will; the right pitch must be perfectly met and luck must ride with the ball. Three innings before, we had seen a brave effort fail. The air was soggy; the season was exhausted. Nevertheless, there will always lurk, around a corner in a pocket of our knowledge of the odds, an indefensible hope, and this was one of the times, which you now and then find in sports, when a density of expectation hangs in the air and plucks an event out of the future.

Fisher, after his unsettling wait, was wide with the first pitch. He put the second one over, and Williams swung mightily and missed. The crowd grunted, seeing that classic swing, so long and smooth and quick, exposed, naked in its failure. Fisher threw the third time, Williams swung again, and there it was. The ball climbed on a diagonal line into the vast volume of air over center field. From my angle, behind third base, the ball seemed less an object in flight than the tip of a towering, motionless construct, like the Eiffel Tower or the Tappan Zee Bridge. It was in the books while it was still in the sky. Brandt ran back to the deepest corner of the outfield grass; the ball descended beyond his reach and struck in the crotch where the bullpen met the wall, bounced chunkily, and, as far as I could see, vanished.

Like a feather caught in a vortex, Williams ran around the square of bases at the center of our beseeching screaming. He ran as he always ran out home runs—hurriedly, unsmiling, head down, as if our praise were a storm of rain to get out of. He didn't tip his cap. Though we thumped, wept, and chanted ''We want Ted'' for minutes after he hid in the dugout, he did not come back. Our noise for some seconds passed beyond excitement into a kind of immense open anguish, a wailing, a cry to be saved. But immortality is nontransferable. The papers said that the other players, and even the umpires on the field, begged him to come out and acknowledge us in some way, but he never had and did not now. Gods do not answer letters.

Every true story has an anticlimax. The men on the field refused to disappear, as would have seemed decent, in the smoke of Williams' miracle. Fisher continued to pitch, and escaped further harm. At the end of the inning, Higgins sent Williams out to his leftfield position, then instantly replaced him with Carrol Hardy, so we had a long last look at Williams as he ran out there and then back, his uniform jogging, his eyes steadfast on the ground. It was nice, and we were grateful, but it left a funny taste.

One of the scholasticists behind me said, ''Let's go. We've seen everything. I don't want to spoil it.'' This seemed a sound aesthetic decision. Williams' last word had been so exquisitely chosen, such a perfect fusion of expectation, intention, and execution, that already it felt a little unreal in my head, and I wanted to get out before the castle collapsed. But the game, though played by clumsy midgets under the feeble glow of the arc lights, began to tug at my attention, and I loitered in the runway until it was over. Williams' homer had, quite incidentally, made the score 4–3. In the bottom of the ninth inning, with one out, Marlin Coughtry, the second-base juggler, singled. Vic Wertz, pinchhitting, doubled off the left-field wall, Coughtry advancing to third. Pumpsie Green walked, to load the bases. Willie Tasby hit a double-play ball to the third baseman, but in making the pivot throw Billy Klaus, an ex-Red Sox infielder, reverted to form and threw the ball past the first baseman and into the Red Sox dugout. The Sox won, 5–4. On the car radio as I drove home I heard that Williams had decided not to accompany the team to New York. So he knew how to do even that, the hardest thing. Quit.●

## FLIGHT NETWORK

● Mr. SESSIONS. Mr. President, I wish to take a moment to honor an exceptional program in Alabama.

For many young men and women, their experiences during World War II were a profound time in their lives. This Nation owes a debt of gratitude for the sacrifices of those Americans who left their families and lives behind to go ''fight the good fight''.

The Honor Flight Network was established to honor the remaining WWII veterans and provide them a trip to the WWII Memorial in Washington, DC which was built in their honor.

The Honor Flight Tennessee Valley program, which also serves northern Alabama, began in the summer of 2006 and flew 14 WWII veterans on their first flight on April 4, 2007. Their final mission was on September 11th, 2010. In this time, Honor Flight Tennessee Valley has flown over 1,300 WWII veterans to Washington, DC. This could not have been accomplished without the leadership and outstanding efforts of the president and founder of Honor Flight Tennessee Valley, Joe Fitzgerald. His organizational skills and

ability to put a plan together were essential to the overall success of the program. Joe put a special emphasis on honoring the veterans who died before they were able to make the trip to DC.

I am thankful that these revered veterans were able to come to our Nation's Capital to be recognized and remembered for their individual sacrifices. Among the most important of the historic sites they visited was the new World War II Memorial, which honors the 16 million veterans who served in the Armed Forces of the United States, the more than 400,000 of our finest Americans who gave the ultimate sacrifice for our Nation, and all who supported the war effort from home.

I have met many Honor Flight groups from all over Alabama at the WWII Memorial. Without exception, they are men and women of character and positive spirit who love their country and thoroughly enjoy the visit. They also have not asked for recognition but are humbled and thankful for this honor. Visiting these veterans is one of the most enjoyable things I get to do as a Senator.

On behalf of my Senate colleagues and the State of Alabama, I thank these veterans for their service to the United States of America and am proud of the work Honor Flight Tennessee Valley and the Honor Flight Network have done for our WWII Veterans.●

## TRIBUTE TO ROBERT WINCHESTER

● Mr. ROCKEFELLER. Mr. President, I rise to mark the retirement of Robert Winchester after 35 years in government service. Throughout this time, Bob has been both the consummate professional and a friendly presence in the Halls here on Capitol Hill.

Mr. Winchester had a varied and distinguished career, having worked in different positions and capacities for the Department of Justice, Central Intelligence Agency and the U.S. Army. For most of that time, Bob worked in the intelligence field where efforts and successes are not always rewarded publicly. I am glad we can do so here today.

Mr. Winchester graduated in 1967 from the University of Paris, La Sorbonne, and from Kings College in 1968. From 1969 until 1971, he served in the U.S. Army as an intelligence analyst and was stationed in Vietnam. After being honorably discharged as a staff sergeant, he continued his education at Illinois State University earning a master's degree. He then returned to Europe to receive a master's of advanced European studies with honors in 1974 from the College of Europe in Bruges, Belgium.

Continuing his already impressive academic achievements, Mr. Winchester received his juris doctorate from Temple University School of Law. He served as a judge advocate general captain in the U.S. Army Reserves for 13 years. He is a member of the bar of the Commonwealth of Pennsylvania and the District of Columbia.

Mr. Winchester worked for 7 years at the Central Intelligence Agency in operational law and legislative liaison positions, and also served as an assistant attorney general for the Department of Justice in Pennsylvania.

During the last 25 years, Bob has served as legislative counsel to the Secretary of the Army and the Army leadership, the Army G–2, the commanding generals of the U.S. Army Intelligence Center of Excellence at Fort Huachuca, and the Intelligence and Security Command.

Since 1984, Mr. Winchester served as the special assistant for legislative affairs for the U.S. Army's Office of the Chief, legislative liaison and served as the Army's principal liaison to the Congress for all Army intelligence programs and policies. It was in this role that Mr. Winchester became a fixture in matters involving Army intelligence on Capitol Hill. For over two decades, the Members and staff of the Senate Select Committee on Intelligence knew that they could turn to Mr. Winchester with a request and he would respond not just in a timely and professional manner, but also with insight and enthusiasm. He was able not only to represent the views and policies of the U.S. Army, but also to ensure that Congress had the information it requested to conduct effective congressional oversight. He made this difficult job look easy.

Mr. Winchester has earned his retirement many times over, but we still hope that he reconsiders and returns to serve his country once again.

Mr. Winchester, thank you for your service and good luck in all your future endeavors.●

## TRIBUTE TO RUSTY TOUPAL

● Mr. THUNE. Mr. President, today I wish to recognize Rusty Toupal, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Rusty is a graduate of Wolsey High School in Wolsey, SD. Currently he is attending South Dakota State University where he is majoring in consumer Affairs. He has also been a member of the Army National Guard for 7 years and has completed a deployment to Iraq.

He is a hard worker who has been dedicated to getting the most out of his internship experience. I extend my sincere thanks and appreciation to Rusty for all of the fine work he has done and wish him continued success in the years to come.●

## DISCHARGE PETITION PURSUANT TO 5 U.S.C. 802(c) (CONGRESSIONAL REVIEW ACT)

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Health, Education, Labor, and Pensions be discharged of further consideration of S.J. Res. 39, a resolution providing for congressional disapproval of a rule submitted by the Centers for Medicare and Medicaid Services, Department of Health and Human Services, relating to status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Michael B. Enzi, Roger F. Wicker, Thad Cochran, John Barrasso, Pat Roberts, Jeff Sessions, Jon Kyl, Richard Burr, John Cornyn, Christopher S. Bond, Richard G. Lugar, George V. Voinovich, Susan M. Collins, Johnny Isakson, Mike Johanns, George S. LeMieux, John Ensign, Lamar Alexander, Chuck Grassley, James E. Risch, Richard C. Shelby, John Thune, Orrin G. Hatch, Mitch McConnell, John McCain, Judd Gregg, Jim Bunning, Mike Crapo, Tom Coburn, Olympia J. Snowe, James M. InHofe, David Vitter, Robert F. Bennett, Bob Corker, Lindsey Graham, Sam Brownback, Saxby Chambliss, Lisa Murkowski, Kay Bailey Hutchison, Scott Brown.

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

H.R. 1517. An act to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

H.R. 6190. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

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At 3:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 714) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

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At 3:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bill, without amendment:

S. 3847. An act to implement certain defense trade cooperation treaties, and for other purposes.

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At 5:37 p.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6200. An act to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

ENROLLED BILLS SIGNED

At 6:51 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 714. An act to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3553. An act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 3808. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

S. 2868. An act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.

MEASURES DISCHARGED

Pursuant to 5 U.S.C. 802(c), the following joint resolution was discharged by petition from the Committee on Health, Education, Labor, and Pensions, and placed on the Calendar:

S.J. Res. 39. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule relating to the status as a grandfathered health plan under the Patient Protection and Affordable Care Act.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 2010, she had presented to the President of the United States the following enrolled bills:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7554. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries'' ((17 CFR Parts 1, 3, 4, 5, 10, 140, 145, 147, 160, and 166)(RIN3038–AC61)) received in the Office of the President of the Senate on September 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7555. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acephate, Cacodylic acid, Dicamba, Dicloran, et al.; Tolerance Actions'' (FRL No. 8842–1) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7556. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09–03; to the Committee on Appropriations.

EC–7557. A communication from the Chairman of the Military Leadership Diversity Commission, transmitting, pursuant to law a report relative to the Commission's comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces; to the Committee on Armed Services.

EC–7558. A joint communication from the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a multiyear procurement that is being sought for F/A–18E/F and EA–18G aircraft in fiscal year 2010 through fiscal year 2013; to the Committee on Armed Services.

EC–7559. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Sustainable Acquisition'' (RIN1991–AB95) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Energy and Natural Resources.

EC–7560. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for California'' (FRL No. 9192–8) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Environment and Public Works.

EC–7561. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 8839–7) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7562. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 9203–3) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7563. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Alabama: Volatile Organic Compounds'' (FRL No. 9203–9) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7564. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste Amendment'' (FRL No. 9201–2) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7565. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature After Age 100'' (Rev. Rul. 2010–28) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC–7566. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exclusions From Gross Income of Foreign Corporations'' (TD 9502) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC–7567. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0137—2010–0142); to the Committee on Foreign Relations.

EC–7568. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to (2) vacancies in the Department of Health and Human Services in the positions of Assistant Secretary for Public Affairs and Administrator of the Centers for Medicare and Medicaid Services, received in the Office of the President of the Senate on September 24, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7569. A communication from the Human Resources Specialist, United States Tax Court, transmitting, pursuant to law, the United States Tax Courts' annual category rating report for the years of 2008 and 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–7570. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''U.S. Citizenship and Immigration Service Fee Schedule'' (RIN1615–AB80) received in the Office of the President of the Senate on September 22, 2010; to the Committee on the Judiciary.

EC–7571. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Wyoming Advisory Committee; to the Committee on the Judiciary.

EC–7572. A communication from the Director of Regulations Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Specially Adapted Housing and Special Home Adaption'' (RIN2900–AN21) received in

the Office of the President of the Senate on September 27, 2010; to the Committee on Veterans' Affairs.

EC–7573. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Presumptions of Service Connection for Persian Gulf Service'' (RIN2900–AN24) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Veterans' Affairs.

EC–7574. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY87) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7575. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XZ01) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7576. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY99) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7577. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Reduction of Skate Wing Fishery Possession Limit'' (RIN0648–XY46) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7578. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Common Pool Day-at-Sea Accounting and Possession Prohibition for Witch Flounder'' (RIN0648–XY20) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7579. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Porbeagle Shark Fishery'' (RIN0648–XY56) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7580. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2010 Winter II Quota'' (RIN0648–XY61) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7581. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XY84) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7582. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 9, No. 10, and No. 11'' (RIN0648–XY08) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7583. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XY78) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7584. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XY70) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7585. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XY72) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7586. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XY71) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1816. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program (Rept. No. 111–333).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 679. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes (Rept. No. 111–334).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2843. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy (Rept. No. 111–335).

S. 3495. A bill to promote the deployment of plug-in electric drive vehicles, and for other purposes (Rept. No. 111–336).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 3184. A bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes (Rept. No. 111–337).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

H.R. 1345. A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the ''Hatch Act''.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2847. A bill to regulate the volume of audio on commercials.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Alfred J. Stewart, to be Major General.

Air Force nomination of Col. Christopher J. Bence, to be Brigadier General.

Air Force nomination of Maj. Gen. James M. Kowalski, to be Lieutenant General.

Air Force nomination of Lt. Gen. Philip M. Breedlove, to be General.

Air Force nomination of Lt. Gen. William L. Shelton, to be General.

Air Force nomination of Lt. Gen. Richard Y. Newton III, to be Lieutenant General.

Air Force nomination of Lt. Gen. Herbert J. Carlisle, to be Lieutenant General.

Air Force nomination of Maj. Gen. Stanley T. Kresge, to be Lieutenant General.

Air Force nomination of Maj. Gen. Susan J. Helms, to be Lieutenant General.

Air Force nomination of Maj. Gen. Darrell D. Jones, to be Lieutenant General.

Air Force nomination of Lt. Gen. Larry D. James, to be Lieutenant General.

Army nomination of Col. Arthur W. Hinaman, to be Brigadier General.

Army nomination of Maj. Gen. Curtis M. Scaparrotti, to be Lieutenant General.

Army nomination of Col. Phillip M. Churn, Sr., to be Brigadier General.

Army nomination of Col. Daniel J. Dire, to be Brigadier General.

Army nomination of Col. Ronald E. Dziedzicki, to be Brigadier General.

Army nomination of Maj. Gen. John D. Johnson, to be Lieutenant General.

Army nomination of Col. Joseph A. Brendler, to be Brigadier General.

Army nominations beginning with Col. Dana M. Capozzella and ending with Col. Stephen L. Danner, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nomination of Brig. Gen. Maria L. Britt, to be Major General.

Army nomination of Brig. Gen. William L. Freeman, Jr., to be Major General.

Army nomination of Maj. Gen. Frank J. Grass, to be Lieutenant General.

Marine Corps nomination of Gen. James F. Amos, to be General.

Marine Corps nomination of Lt. Gen. Joseph F. Dunford, Jr., to be General.

Marine Corps nomination of Lt. Gen. Thomas D. Waldhauser, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Robert B. Neller, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Richard T. Tryon, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Terry G. Robling, to be Lieutenant General.

Navy nomination of Capt. Charles D. Harr, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (Selectee) John M. Richardson, to be Vice Admiral.

Navy nomination of Rear Adm. Cecil E. Haney, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Robert L. Gauer and ending with Rajendra C. Yande, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nominations beginning with Arlene D. Adams and ending with Amy S. Woosley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nominations beginning with Marianne E. Alaniz and ending with Mark L. Wimley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nomination of Ernest J. Prochazka, to be Colonel.

Air Force nominations beginning with Daniel P. Gilligan and ending with Nghia H. Nguyen, which nominations were received by the Senate and appeared in the congressional record on September 23, 2010.

Army nomination of Robert H. Kewley, Jr., to be Lieutenant Colonel.

Army nomination of Wiley C. Thompson, to be Lieutenant Colonel.

Army nomination of Raymond C. Nelson, to be Colonel.

Army nomination of Bernard B. Banks, to be Colonel.

Army nomination of David A. Wallace, to be Colonel.

Army nominations beginning with Melissa R. Covolesky and ending with John H. Stephenson II, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nomination of Jonathan J. McColumn, to be Colonel.

Army nomination of Daniel E. Banks, to be Lieutenant Colonel.

Army nomination of Latanya A. Pope, to be Major.

Army nomination of Ned W. Roberts, Jr., to be Major.

Army nomination of John W. Paul, to be Major.

Army nominations beginning with Eric S. Alford and ending with Michael K. Hanifan, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with George W. Meleleu and ending with Aaron L. Polston, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Dean P. Suanico and ending with Elizabeth R. Oates, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Brian F. Lane and ending with Kimberly D. Kumer, which nominations were received by the Senate and appeared in the congressional record on August 3, 2010.

Army nominations beginning with Dustin C. Frazier and ending with Courtney T. Tripp, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Donald P. Bandy and ending with Keith J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Stanley Green and ending with Jon B. Tipton, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Patrick L. Mallett and ending with Scott H. Sinkular, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Army nominations beginning with Lanny J. Acosta, Jr. and ending with Patrick L. Vergona, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Army nomination of Polly R. Graham, to be Colonel.

Army nomination of Dwaine K. Warren, to be Colonel.

Army nominations beginning with James K. Barnett and ending with Edward D. Northrop, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2010.

Army nomination of Thomas E. Koertge, to be Colonel.

Army nomination of Edward B. Martin, to be Major.

Army nomination of Timothy S. Allison-Aipa, to be Major.

Army nomination of Vickie M. Jester, to be Major.

Army nominations beginning with Bernard H. Hofmann and ending with Gregory Sean F. Mcdougal, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Charles L. Clark and ending with Oksana Boyechko, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Allen L. Fein and ending with Rostylav R. Szwajkun, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Robert Kirk and ending with Timothy M. Snavely, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Paula Oliver and ending with Michael A. Kelley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Amanda J. Conley and ending with Thomas F. Spencer, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Jeffrey D. Allen and ending with Timothy Reynolds, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Dixie J. Burner and ending with Elizabeth A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Michell L. Auck and ending with D010491, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Laneice L. Abdelshakur and ending with Sashi A. Zickefoose, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Joseph H. Afanador and ending with D010299, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nomination of David C. Decker, to be Major.

Army nomination of Elizabeth S. Mason, to be Major.

Army nominations beginning with Yvonne J. Fleischman and ending with Wendy M. Ross, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Marilyn S. Chiafullo and ending with Howard D. Reitz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nomination of Connie C. Dyer, to be Colonel.

Army nomination of Jonathan J. Beitler, to be Colonel.

Army nomination of David K. Powell, to be Colonel.

Army nominations beginning with John J. Ference and ending with David M. Schlaack, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Julie A. Blike and ending with Ava J. Walker, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with William B. Britt and ending with Lynn A. Wise, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with James T. Barber, Jr. and ending with Joseph C. Wood, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Sandra L. Alvey and ending with Aaron Tucker, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Jan E. Aldykiewicz and ending with Louis P. Yob, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Rebecca L. Allen and ending with Toni Y. Wilson,

which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with George A. Berndt III and ending with Douglas W. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Alan D. Abrams and ending with Mark D. Schulthess, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Pamela Y. Delancy and ending with Karen L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Erick J. Alverio and ending with Cynthia E. Pierce, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Bess J. Pierce and ending with Ty J. Vannieuwenhoven, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Steven M. Groddy and ending with Heidi M. Wiegand, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Howard A. Allen III and ending with Suzanne P. Vareslum, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Tyler C. Craner and ending with Brennan V. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Stephen J. Bethoney and ending with Kirk A. Yaukey, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Lawrence E. Widman and ending with James I. Joubert, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Pamela K. King and ending with Marilyn Torres, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Maria E. Bovill and ending with Joanna J. Reagan, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Mark E. Beicke and ending with James D. Toombs, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Todd O. Johnson and ending with Tami Zalewski, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Mark R. Benne and ending with James Wood, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Celethia M. Abnerwise and ending with Lisa A. Toven, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Paul D. Anderson and ending with Alex P. Zotomayor, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with William P. Adelman and ending with David C. Zenger, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nomination of Timothy J. Ringo, to be Lieutenant Commander.

Navy nominations beginning with William A. Brown, Jr. and ending with Paul J. Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Navy nominations beginning with Jaime E. Rodriguez and ending with Vincent M. Peronti, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Navy nomination of Robert C. Moore, to be Commander.

Navy nominations beginning with Steven D. Seney and ending with Nicholas A. Sinnokrak, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Abby L. Odonnell and ending with Stella J. Weiss, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Patrick P. Davis and ending with Jerry Y. Tzeng, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Robert E. Atkinson and ending with Giancarlo Waghelstein, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Anthony H. Beaster and ending with Jonathan C. Wood, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Charles M. Abell and ending with Catherine F. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Randy J. Berti and ending with Robert H. Vohrer, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Katie M. Abdallah and ending with Nathan J. Winters, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Jeremy S. Biediger and ending with Scott E. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Adrian E. Arvizo and ending with Lisa L. Zumbrunn, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Philip T. Alcorn and ending with Scott D. Ziegenhorn, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Armand P. Abad and ending with Matthew A. Young, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Benjamin P. Abbott and ending with Daniel W. Zuckschwerdt, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nomination of Tina F. Edwards, to be Lieutenant Commander.

Navy nominations beginning with Joxel Garcia and ending with Larry E. Menestrina, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2010.

Navy nominations beginning with Brian D. Oneil and ending with Jose R. Pereztorres, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2010.

Navy nomination of Erik Rangel, to be Lieutenant Commander.

Navy nomination of Victor John Catullo, to be Captain.

Navy nominations beginning with William A. Mix and ending with John H. Steely, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Navy nominations beginning with Ronald K. Bach and ending with Anna A. Ross, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Navy nomination of Brian O. Walden, to be Captain.

Navy nomination of Jeffry P. Simko, to be Lieutenant Commander.

Navy nomination of Patrick A. Garvey, to be Captain.

Navy nominations beginning with Sherwin Y. Cho and ending with Jeffrey G. Sotack, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Navy nomination of Dominic V. Gonzales, to be Lieutenant Commander.

Navy nomination of Michael H. Hooper, to be Lieutenant Commander.

Navy nomination of Virgilio S. Crescini, to be Lieutenant Commander .

Navy nominations beginning with Aldrin J. A. Cordova and ending with Jerald L. Rooks, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with John W. Baise and ending with Ning L. Yuan, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Raynard Allen and ending with Robert B. Wills, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Jose G. Acosta, Jr. and ending with Scott A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Koniki L. Aiken and ending with James S. Zmijski, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Dominic J. Antenucci and ending with Delicia G. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Brent N. Adams and ending with Emily L. Zywicke, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Teresita Alston and ending with Erin K. Zizak, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Kenric T. Aban and ending with Franklin R. Zuehl, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency.

*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. BROWN of Massachusetts (for himself, Ms. SNOWE, Mr. BENNETT, Mr. CORKER, Ms. COLLINS, Mr. VOINOVICH, Mr. ALEXANDER, and Mr. CHAMBLISS):

S. 11. A bill to restore the application of the 340B drug discount program to orphan drugs with respect to children's hospitals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. GRASSLEY):

S. 3848. A bill to amend part D of title IV of the Social Security Act to improve the enforcement, collection, and administration of child support payments, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENENDEZ, Mr. REED, Mr. DODD, Mrs. BOXER, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 3849. A bill to extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mrs. LINCOLN):

S. 3850. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

By Mr. DORGAN:

S. 3851. A bill to clarify the relationship of the policies of sports leagues or associations and provisions of State or local law regarding the use of performance-enhancing drugs in interstate competition; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN (for herself and Mr. MENENDEZ):

S. 3852. A bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Mr. WARNER, Mr. AKAKA, Ms. COLLINS, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 3853. A bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 3854. A bill to expand the definition of scheme or artifice to defraud with respect to mail and wire fraud; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. SANDERS):

S. 3855. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the issuance of new clean renewable energy bonds and to terminate eligibility of governmental bodies to issue such bonds, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER):

S. 3856. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mrs. SHAHEEN, and Mr. COCHRAN):

S. 3857. A bill to amend the National and Community Service Act of 1990 to improve the educational awards provided for national service; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 3858. A bill to improve the H–2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3859. A bill to express the sense of the Senate concerning the establishment of Doctor of Nursing Practice and Doctor of Pharmacy dual degree programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL (for herself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, and Mr. BURR):

S. 3860. A bill to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself, Ms. KLOBUCHAR, Mr. LAUTENBERG, and Mr. NELSON of Florida):

S. 3861. A bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 3862. A bill to amend the Oil Pollution Act of 1990 to facilitate the ability of persons affected by oil spills to seek judicial redress; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 3863. A bill to designate certain Federal land within the Monongahela National Forest as a component of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3864. A bill to remove a portion of the distinct population segment of the Rocky Mountain gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

## 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:

S. Res. 652. A resolution honoring Mr. Alfred Lind for his dedicated service to the United States of America during World War II as a member of the Armed Forces and a prisoner of war, and for his tireless efforts on behalf of other members of the Armed Forces touched by war; considered and agreed to.

By Mr. BUNNING (for himself, Mr. UDALL of New Mexico, Mr. ALEXANDER, Mr. BINGAMAN, Mrs. MURRAY, Mr. MCCONNELL, Mr. GRASSLEY, Ms. CANTWELL, Mr. REID, Mr. UDALL of Colorado, Mr. CORKER, Mr. VOINOVICH, and Mr. SCHUMER):

S. Res. 653. A resolution designating October 30, 2010, as a national day of remembrance for nuclear weapons program workers; considered and agreed to.

By Mr. BURR (for himself, Mr. WEBB, Mr. BURRIS, and Mrs. MURRAY):

S. Res. 654. A resolution designating December 18, 2010, as ''Gold Star Wives Day''; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. DURBIN):

S. Res. 655. A resolution designating November 2010 as ''Stomach Cancer Awareness Month'' and supporting efforts to educate the public about stomach cancer; considered and agreed to.

By Mr. KAUFMAN (for himself, Mr. REID, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. AKAKA):

S. Res. 656. A resolution expressing support for the inaugural USA Science & Engineering Festival; considered and agreed to.

By Mr. REID (for himself, Mr. ENSIGN, and Mrs. FEINSTEIN):

S. Res. 657. A resolution celebrating the 75th anniversary of the dedication of the Hoover Dam; considered and agreed to.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. BROWN of Ohio, Mr. CORNYN, Mr. LEVIN, Mr. LIEBERMAN, Mr. PRYOR, Mr. ROCKEFELLER, and Mrs. MURRAY):

S. Res. 658. A resolution designating the week beginning October 17, 2010, as ''National Character Counts Week''; considered and agreed to.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. COCHRAN, Mr. SPECTER, Mr. WHITEHOUSE, Ms. SNOWE, Mr. SANDERS, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mr. CARPER, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BURR, and Mrs. BOXER):

S. Res. 659. A resolution supporting ''Lights on Afterschool'', a national celebration of afterschool programs; considered and agreed to.

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

S. Res. 660. A resolution expressing support for a public diplomacy program promoting advancements in science, technology, engineering, and mathematics made by or in partnership with the people of the United States; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 661. A resolution to authorize representation by the Senate Legal Counsel in the case of McCarthy v. Byrd, et al; considered and agreed to.

By Mr. UDALL of Colorado:

S. Res. 662. A resolution to amend the Standing Rules of the Senate to reform the filibuster rules to improve the daily process

of the Senate; to the Committee on Rules and Administration.

## ADDITIONAL COSPONSORS

S. 455

At the request of Mr. ROBERTS, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors 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. 658

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. UDALL) 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. 1619

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1787

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1787, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 2844

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 2844, a bill to amend title 18, United States Code, to improve the terrorist hoax statute.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. DODD), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3517

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3517, a bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes.

S. 3543

At the request of Mrs. HAGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3543, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 3568

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3568, a bill to amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, and for other purposes.

S. 3666

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3666, a bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to be able to access certain Federal, State, and other databases, for the purpose of verifying the identity of a passport applicant, to reduce the incidence of fraud, to require the authentication of identification documents submitted by passport applicants, and for other purposes.

S. 3694

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3694, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3723

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 3723, a bill to prohibit taxpayer funding of insurance plans or health care programs that cover abortion.

S. 3725

At the request of Mr. WYDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3725, a bill to prevent the importation of merchandise into the United States in a manner that evades antidumping and countervailing duty orders, and for other purposes.

S. 3741

At the request of Mrs. HAGAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3741, a bill to provide U.S. Customs and Border Protection with authority to more aggressively enforce trade laws relating to textile or apparel articles, and for other purposes.

S. 3751

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3756

At the request of Mr. REID, his name was added as a cosponsor of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 3759

At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3759, a bill to amend the Energy Policy Act of 2005 to authorize the Secretary of Energy to issue conditional commitments for loan guarantees under certain circumstances.

S. 3786

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Montana (Mr. TESTER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3789

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3789, a bill to limit access to social security account numbers.

S. 3790

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3790, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 3794

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3794, a bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 3815, a bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

S. 3841

At the request of Mr. KYL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3841, a bill to amend title 18, United States Code, to prohibit the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos that depict obscene acts of animal cruelty, and for other purposes.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3841, supra.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. CON. RES. 72

At the request of Mr. BROWNBACK, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution recognizing the 45th anniversary of the White House Fellows Program.

S. RES. 644

At the request of Mr. KAUFMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 644, a resolution designating the week beginning October 10, 2010, as ''National Wildlife Refuge Week''.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN of Massachusetts (for himself, Ms. SNOWE, Mr. BENNETT, Mr. CORKER, Ms. COLLINS, Mr. VOINOVICH, Mr. ALEXANDER, and Mr. CHAMBLISS):

S. 11. A bill to restore the application of the 340B drug discount program to orphan drugs with respect to children's hospitals; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Massachusetts. Mr. President, I come to the floor today to speak about a bill that I am introducing today along with several of my Senate colleagues. My bill protects the lives of the most vulnerable among us our Nation's children by ensuring children's hospitals across the country are able to purchase orphan drugs at a discount.

I am pleased to be joined by my colleagues: Senators SNOW, BENNETT, CORKER, COLLINS, VOINOVICH, ALEXANDER, and CHAMBLISS today, to stand together to provide for and protect the ability of children's hospitals to access medicines for their patients at a reduced price.

As my colleagues are aware, access to orphan drugs are critically important to children, many of whom, if they are ill, suffer from rare disease or conditions. Orphan drugs, by definition, are designed and developed to help and treat diseases or conditions that affect fewer than 200,000 people, many of whom are children. On a daily basis, the Children's Hospital of Boston uses most of the 347 medicines that are designated orphan drugs.

The bill my colleagues and I are introducing today restores and protects the ability for children's hospitals to access those outpatient medicines through the 340B drug discount program authorized in the Public Health Services Act. Access to this program and the corresponding discount saves the Children's Hospital of Boston nearly $3 million annually, but more importantly, Children's Hospital of Boston is able to save lives as a result. Hospitals and doctors at children's hospitals are able to access life-saving medicines, children live better lives, and families are given a piece of mind.

Passing this bill quickly is the right thing to do and I encourage the Senate to act swiftly to enact my legislation to ensure that children's hospitals can once again receive discounted pricing on these life-saving medicines.

There is no cause for delay. The House has passed this restorative language twice already. The Senate needs to do the same.

I believe quick passage is possible quick passage should be possible because of the support and efforts that I have seen demonstrated by my fellow Senators.

Senator SHERROD BROWN has been a thoughtful leader on this issue and I respect and admire him for his work. Because of his leadership and perseverance, he was able to secure the support of sixteen Democratic Senators in favor of this legislation, all of whom signed a letter to the Majority Leader, expressing their support to restore access to this very important program.

I am hopeful that Senator SHERROD BROWN and I can continue to work across party lines and with all of our colleagues to reach agreement and find resolution on this.

My door is always open to my colleagues who are willing to work together to solve common problems. In this instance, our Nation's children deserve that we come together and protect their access to medicines that will save their lives.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 11

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.**

(a) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)'' and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

———

U.S. SENATE,
*Washington, DC, August 5, 2010.*

Hon. HARRY REID,
*Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR MAJORITY LEADER REID: We are writing to ask that a technical correction to Section 2302 of the Health Care and Education Reconciliation Act (HCERA) be provided at the earliest opportunity. The Section exempted orphan drugs from required discounts for newly eligible entities added to the 340B statute under the Act. PPS-exempt children's hospitals were included among these entities, when in fact they were already eligible for and participating in the 340B program.

Since the HCERA provision was effective upon enactment, it is imperative that a retroactive correction be made as soon as possible. Both the House and Senate have included this correction in various pieces of legislation, but none of these bills have been signed into law. We thank you for your efforts to date to fix this problem and respectfully ask for your continued help in ensuring another legislative vehicle for the prompt passage of a technical correction restoring the children's hospitals' ability to fully participate in the 340B drug discount program.

Children's hospitals use on a daily basis most of the 347 drugs that have received orphan drug status. The hospitals participating in the 340B drug discount program have achieved significant savings. They estimate that those savings would be reduced dramatically with the orphan drug exemption. If the exemption is not corrected, the children's hospitals will have to pay wholesale prices for these drugs or leave the 340B program.

We would appreciate your continued support to ensure that children's hospitals do not lose the critical benefit provided by the 340B program.

Sincerely,

Sherrod Brown; John F. Kerry; Joseph I. Lieberman; ———; Al Franken; Amy Klobuchar; Mary L. Landrieu; Debbie Stabenow; Maria Cantwell; Kirsten E. Gillibrand; Christopher J. Dodd; Robert P. Casey, Jr.; Carl Levin; Dianne Feinstein; Herb Kohl; Arlen Specter; Barbara Boxer.

———

CHILDREN'S HOSPITAL BOSTON,
*Boston, MA, August 24, 2010.*

Senator SCOTT BROWN,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR BROWN: We write with urgency to request your leadership on a pressing issue facing Children's Hospital Boston. An unintentional error in the Health Care Education and Reconciliation Act (HCERA) is threatening children's hospitals access to discounts on orphan drugs through the drug discount program authorized under section 340B of the Public Health Service Act.

The 340B program allows a number of safety net providers to purchase outpatient pharmaceuticals at discounted rates, thereby expanding access to care to low income and vulnerable populations. The program saves Children's Hospital Boston between $1.5 and $3 million annually and is of no cost to the government. Participation in this program has made it possible for the hospital to control costs in a challenging environment and ensure patient access to outpatient drugs, such as Botox (used to reduce spasticity in patients with cerebral palsy and other neurological disorders) and Rituximab (used to treat non-Hodgkins lymphoma and to alleviate the effects of severe juvenile arthritis).

Children's hospitals were included in the 340B program through an amendment to Medicaid in the Deficit Reduction Act of 2005. Federal guidance enabling them to enroll in the program was finally published in September 2009, and 25 children hospitals, including Children's Hospital Boston, are now participating. The Patient Protection & Affordable Care Act (PPACA) added some new types of hospitals as eligible entities to the 340B statute and also included the children's hospitals so that they would be subject to same regulatory requirements as other eligible providers. When HCERA amended the PPACA with a last minute provision exempting orphan drugs from discounts received by all of the newly eligible providers, children's hospitals were unfortunately included, even though they were already eligible for and participating in the 34013 program.

Without a technical correction restoring 340B discounts for orphan drugs, Children's Hospital Boston is facing the loss of most of its savings from the 340B program and the choice of either leaving the program or paying wholesale prices for orphan drugs. Orphan drugs, i.e. drugs developed to treat a disease that afflicts relatively few, are widely used in children's hospitals, given their role in caring for the sickest children with the most complex health care needs. In addition, orphan drugs may also be used more widely in treating other diseases or conditions. Indeed, Children's Hospital Boston currently uses most of the 347 drugs with orphan drug status on a daily basis.

The Massachusetts Biotechnology Council (MassBio), which represents more than 600 biotechnology companies, universities and academic institutions dedicated to advancing cutting edge research, urges a correction to this problem. As you likely know, the focus of MassBio is to foster an environment in the state where biotechnology companies can succeed. For MassBio, as well as the member companies, true success means that research and development leads to treatments that reach the most vulnerable patients in our state. As such, it is critical that institutions like Children's Hospital Boston have ready access to the pharmaceuticals they need to treat seriously ill children.

As the months pass and denials of discounts for orphan drugs begin, we are gravely concerned about the cost impact of this mistake on Children's Hospital Boston. The hospital employs more than 8,000 people, treats thousands of very sick children annually and is the safety-net provider for Massachusetts children. Children's has worked diligently in coordination with insurers and others in the industry to reduce health care costs and improve efficiency.

Without immediate legislative action, Children's Hospital Boston will be forced to withdraw from this cost saving, health care enhancing program. As leaders in the Massachusetts health care industry and partners in improving community health, we ask you to take a leadership role in the correction of the issue. Corrective language was included in the two tax extenders bills that passed in the House. However, the language, while uncontroversial, has not been included in any legislation that has passed the Senate.

We hope that you will agree to serve as an original cosponsor of the legislation drafted by Senator Sherrod Brown (attached) and contact the Majority and Minority leadership in the Senate to insist that this issue not be tied up in politics.

Sincerely,

JAMES MANDELL, MD,
*CEO, Children's Hospital Boston.*
ROBERT K. COUGHLIN,
*President & CEO, MassBio.*

———

By Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENENDEZ, Mr. REED, Mr. DODD, Mrs. BOXER, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 3849. A bill to extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, I come to the floor today to support extending a critically needed program that provides hope to 250,000 of our poorest families.

I am joined by Senators DURBIN, CASEY, SHERROD BROWN, BINGAMAN, BURRIS, HARKIN, LEAHY, BOXER, MENENDEZ, REED and DODD in offering the Job

Preservation for Parents in Poverty Act, which simply provides a 3-month extension of the Temporary Assistance for Needy Families, TANF, Emergency Contingency Fund. The $500 million in funding needed to pay for this extension is offset with corresponding reductions to the regular TANF Contingency Fund in fiscal year 2012.

We have suffered through the worst recession since the great depression. Just this month, the Census Bureau reported that nearly 44 million Americans—1 in 7—lived in poverty last year. This represents the largest number of Americans living in poverty since the Census Bureau began keeping these statistics 51 years ago.

The TANF Emergency Fund was created as part of the Recovery Act enacted last year to provide temporary, targeted, emergency spending that combats the recession by helping to create jobs for our poorest families. It gave States funds to subsidize jobs for low-income parents and older youth and to provide basic cash assistance and short-term benefits to the increasing numbers of poor families with children. It addresses the emergency needs of low-income families that are struggling in the recession.

At least 36 States have used TANF Emergency Contingency Funds to create or expand subsidized employment programs. States have used this fund to create subsidized jobs in the private and public sectors during the depth of the recession. By the time it expires at the end of September, the fund will have created approximately 250,000 jobs for low-income Americans who would otherwise be unemployed. Nearly all of these jobs will be eliminated if the program is not extended with additional funds.

If this worthy program is allowed to end on Thursday, these States will no longer be able to use the TANF Emergency Fund to subsidize employment and provide basic cash assistance to struggling families to help with housing and heating bills, domestic violence services, and transportation costs. This will hurt our economy because families on TANF have to spend nearly all of the money they receive to meet their basic needs. This will reduce demand for the goods and services, particularly in low-income communities.

Massachusetts relies on the TANF Emergency Contingency Fund to maintain the key existing safety net programs for cash assistance, emergency housing, rental vouchers, employment and training services, child care, and other initiatives to support low-income families getting back to work.

In Massachusetts, the Emergency Fund is used to provide TANF cash assistance to more than 50,000 low-income families in the Bay State each month. To qualify for this assistance, a family of three must have income less than $1,069 a month. Let me repeat that. To qualify for this assistance a family of three must have income of less than $1,069 a month. The maximum cash grant they can receive from the state is just $578 a month. Massachusetts also uses the fund to provide emergency shelter and related services to 3,000 homeless families.

An extension of the TANF Emergency Fund would provide Massachusetts with federal assistance to accommodate the 10 percent TANF caseload increase we have experienced since the start of the recession. It would enable the State to preserve and maintain critical services for our poorest citizens during these difficult economic times.

If Congress does not immediately act, tens of thousands of jobs will be lost. Businesses will lose access to critical employment support programs, and the lives of our poorest families will be made even more difficult.

Extending the TANF Emergency Contingency Fund is a common-sense policy that enjoys broad support from public officials, private experts, and bipartisan organizations, including: Mark Zandi, Chief Economist at Moody's Analytics; the National Governors Association; the National Conference of State Legislators; the American Public Human Services Association; and the National Association of State TANF Administrators. I ask all my colleagues to support this legislation.

Mr. CASEY. Mr. President, I rise to speak about a piece of legislation just introduced, S. 3849, the Job Preservation for Parents in Poverty Act, which is simply an extension of a program that has placed tens of thousands of people into jobs in this recession and is working. We want to make sure it is extended because of how effective it has been to help people find and keep jobs. This legislation is fully offset. I wish to spend a couple minutes talking about the provisions that make it so effective.

First, I thank a number of Senators who have led the fight—Senator KERRY, as well as our assistant majority leader, Senator DURBIN, for the work they have done, as well as others—and for the testimony we received from people across the country. I know in my case one person who spent a good deal of time making it clear to me and to others across southern Pennsylvania and even across the State about the effectiveness of this program was Mayor Nutter of Philadelphia who, like any mayor in the country in the middle of a recession, doesn't have the luxury of dealing with programs that don't work. He can only support and endorse programs that are working to create jobs. In a city such as Philadelphia, which still has a high unemployment rate, Mayor Nutter has relied upon this program, which is a rapid attachment effort to create jobs and keep people in those jobs.

We know the unemployment rates are intolerably too high. In our State we have 585,000 people out of work, just about 9.5 percent unemployment. Our poverty figures are going through the roof at the same time. We are seeing, in short, the real impact of this horrific recession.

One of the best ways to deal with that crisis is to have an extension of an important program that we refer to in Pennsylvania as the Pennsylvania Way to Work Program. It is helping keep people out of poverty and providing people with jobs; in this case, 12,000 people in Pennsylvania. I could go down the list of other States as well, but I won't. In our State, 12,864 adults have been helped by this program as well as summer youth, more than 7,800, for a total of 20,718.

It is fully offset. If we don't extend it, in many, if not most, States, these programs will be shut down. It is working. It is not only creating jobs, it is keeping people out of poverty because they are working. I would think everyone would want to support programs that are working and keeping people out of poverty.

It is critically important that we extend the program. I am grateful for the help our assistant majority leader, Senator DURBIN, has provided.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from the Commonwealth of Pennsylvania for speaking out for this important program. I know there are many jobs in his State which are at stake with this decision by the Senate. There are some 26,000 jobs in Illinois that hinge on a decision made by the Senate as to whether we extend this program. What we are discussing this afternoon gets down to the heart of the question: Will we do everything in our power to help Americans find work, particularly those who have struggled so hard in the past? Will we give them a chance to continue working in many instances or to find work? It is an important choice.

Here we have a stark example of this choice in the fate of a program called the TANF Emergency Contingency Fund. In my State, we call this program Put Illinois to Work. It helps States subsidize the cost of hiring workers in mostly private sector jobs.

This small program has had a huge impact in Illinois. Nearly 250,000 jobs have been created in 37 States. It is a program that everyone of both political parties should support. Rather than paying people to do nothing, this program helps private companies hire the employees they need but can't quite afford. Yet Republicans, at least to this point, are saying we should not extend this program past this Thursday. The end of this program in my State means the loss of thousands of jobs. I think the only reason there is opposition to this is the fact that it was originally conceived and offered to the Senate in the President's Recovery Act.

Though many on the other side of the aisle have taken a party-line position

that they will oppose that act no matter what it did is unfortunate, particularly for people who are just trying to find a way to survive in a very tough economy. Many of them earn $10 an hour. These are not jobs on which one could get rich. They can survive on these jobs. We are trying to make sure these people have an opportunity to survive. This is a stimulus that works. Who would argue with the concept or premise that putting people to work is a lot better than paying them to do nothing?

Senator JOHN KERRY of Massachusetts has a simple bill that would extend the jobs program by 3 months, but it is fully paid for by reducing the TANF program's future budget. The argument that it adds to the deficit does not work. It doesn't add to the deficit. It is paid for by future budgetary commitments. I am afraid that still we will find an objection from the other side of the aisle. They have objected to continuing this program on the continuing resolution which more or less keeps government in business while we are in recess.

Mr. President, 26,000 jobs are at stake in Illinois, and losing that many jobs would hurt my State. We already have an unemployment rate of over 10 percent. Governor Pat Quinn is trying to figure out how to save some of these jobs, but it is difficult with the budgetary problems we face in the State capital. It is not just Illinois that would suffer; 110,000 jobs would be lost in States represented by Republican Senators: 40,000 in Texas, which is represented by two Republican Senators; 20,000 in Georgia, represented by two Republican Senators; 10,000 in Kentucky, 10,000 people who will lose work this week in Kentucky represented by the minority leader. It is unfortunate that we have allowed some of these ideological positions to get in the way. It makes no difference that over 110,000 constituents represented by those on the other side of the aisle will be impacted by this objection.

I am afraid at this point some of our partisan differences are going to cost a lot of innocent people a chance to bring home a paycheck. I don't think that is what the American people want in Washington. I think what they are looking for us to do is to extend this program and save a quarter million Americans from losing their jobs.

I don't know if Senator KERRY is coming to the Senate floor, but I see some Members on the Republican side of the aisle. I will make the unanimous consent request at this point.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3849, the Job Preservation for Parents in Poverty Act; that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, reserving the right to object, and I will object, the majority has known this program was going to expire at the end of this month all year and has taken no steps to reauthorize this important social safety net program. We are also in the position of having to pass an extension of TANF. I am not sure the Senator from Illinois is aware that the chairman and ranking member of the Finance Committee have put together a bipartisan 1-year extension of TANF. I object.

The PRESIDING OFFICER. Objection is heard.

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By Mr. REID (for Mrs. LINCOLN):

S. 3850. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

Mrs. LINCOLN. Mr. President, I rise today to introduce a bill which will protect the great American traditions of hunting, fishing, and recreational shooting from actions that will drive up the costs of participation and directly impact employment across the country. Recently, extremist groups have filed a petition with the U.S. EPA to prohibit the use of lead in the manufacturing of ammunition and fishing tackle. This effort would not only drive up the cost of ammunition and fishing tackle, but would, as a direct result, drive down the number of people able to participate in these activities and directly hurt the millions of Americans who depend on the hunting, fishing, and shooting industries for part of their livelihoods.

Hunters and anglers are ardent conservationists and have proven themselves willing to consider lead alternatives when the data justifies it. For instance, since 1991, waterfowl hunters have been required to use non-lead ammunition to protect waterfowl species which have been scientifically proven to be vulnerable to exposure. However, EPA found in 1994 no scientific basis to proceed with a lead ban in fishing tackle. EPA rightly and quickly rejected the petition with regard to ammunition, stating that they did not have the authority to regulate ammunition under the Toxic Substances Control Act.

However, EPA is still considering a ban on lead fishing tackle. This ban would drive up costs on a sport that's appeal lies in its simplicity and accessibility to the broad American public. Lead sinkers are critical to both salt and freshwater anglers, and are frequently used in the types of fishing that attracts young people to this sport.

Moreover, a ban such as this would be a blow to thousands of people who depend on fishing tackle and ammunition manufacturing for their livelihoods. Companies like Remington in Lonoke, Arkansas employ over 20,000 Arkansans. The 5,500 manufacturers of firearms and ammunition and almost one million people working in sport fishing do not need EPA taking aim at their industry.

My bill simply clarifies that the components used in manufacturing shells, cartridges, and fishing tackle are exempt from EPA regulation under the Toxic Substances Control Act. Taking this simple step will provide certainty to these critical industries and prevent EPA and activist litigators from dragging this issue out through the courts for years.

I am confident that the sporting community will continue to work with the Fish and Wildlife Service and State Fish and Wildlife agencies to address issues around lead ammunition where and when the facts warrant it. But Congress must act to preserve our hunting and fishing traditions by ensuring access to affordable, vital tools our hunters and anglers rely on.

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

S. 3850

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Hunting, Fishing and Recreational Shooting Protection Act''.

**SEC. 2. MODIFICATION OF DEFINITION.**

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) by striking ''(B) Such term does not include—'' and inserting the following:

''(B) EXCLUSIONS.—The term 'chemical substance' does not include—'';

(2) in clauses (i) through (iv), by striking the commas at the end of the clauses and inserting semicolons;

(3) by striking clause (v) and inserting the following:

''(v)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4181 of the Internal Revenue Code of 1986, and any separate component of such an article (including shells, cartridges, and ammunition); or

''(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I) (as determined without regard to any exemption from the tax imposed by section 4181 of the Internal Revenue Code of 1986 under section 4182, section 4221, or any other provision of that Code);'';

(4) in clause (vi), by striking the period at the end and inserting ''; or'';

(5) by inserting after clause (vi) the following:

''(vii)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4161 of the Internal Revenue Code of 1986, and any separate component of such an article; or

''(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I).''; and

(6) in the matter following clause (vii) (as added by paragraph (5)), by striking ''The term 'food' as used in clause (vi) of this subparagraph includes'' and inserting the following:

''(C) RELATED DEFINITION.—For purposes of clause (vi) of subparagraph (B), the term 'food' includes''.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Healthy Media for Youth Act. The purpose of this bill is to promote positive media depictions of girls and women among our nation's youth.

The majority of 8- to 18-year-olds spend about 10 hours a day watching television, on the computer, or playing video games. Unfortunately, the images they see often reinforce gender stereotypes, emphasize unrealistic body images, or show women in passive roles.

Positive and realistic female body images remain a problem. A recent survey by Girl Scouts of the USA's Research Institute found that 89 percent of girls feel the fashion industry places a lot of pressure on teenage girls to be thin. Even among girls as young as grades 3 through 5, fifty-four percent worry about their appearance, and 37 percent of these young girls worry specifically about their weight.

Women are often portrayed in passive or stereotypical roles, rather than in positions of power. Violence against women continues to be prevalent throughout media. The Parents Television Council reports that between 2004 and 2009, violence against women and teenage girls increased on television programming at a rate of 120 percent, compared with the 2 percent increase of overall violence in television content.

In 2007, the American Psychological Association, APA, conducted a report on the Sexualization of Girls and found that three of the most common mental health problems among girls—eating disorders, depression or depressed mood, and low self-esteem—are linked to the sexualization of girls and women in media. Boys are also negatively affected by the portrayal of girls because it sets up unrealistic expectations, which may impair future relationships between girls and boys.

The bill I'm introducing today starts to tackle this problem by promoting positive media messages about girls and women among our nation's youth.

Specifically, this bill would direct the U.S. Department of Health and Human Services, HHS, to award grants to nonprofit organizations to promote positive media depictions of girls and women among youth, and to empower girls and boys by developing self-esteem and leadership skills.

The bill also directs the Centers for Disease Control and Prevention, CDC, in coordination with the National Institute of Child Health and Human Development to review, synthesize, and research the role and impact of depictions of girls and women in the media on the psychological, sexual, physical, and interpersonal development of youth.

Finally, this bill requires the Federal Communications Commission, FCC, to convene a National Task Force on Girls and Women in the Media in order to develop voluntary steps and goals for promoting healthy and positive depictions of girls and women in the media for the benefit of all youth.

We must reverse this trend for this generation of youth and for future generations.

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By Mr. CARPER (for himself, Mr. WARNER, Mr. AKAKA, Ms. COLLINS, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 3853. A bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, today, as Chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, I offer a piece of legislation, along with my distinguished colleagues Senators WARNER, AKAKA, LIEBERMAN, COLLINS and VOINOVICH, that I believe will lead us on a path to a more effective and efficient federal government.

It has been more than 17 years since Congress passed the Government Performance and Results Act, GPRA, to help us better manage our finite resources and improve the effectiveness and delivery of Federal programs. Since that time, agencies across the federal government have developed and implemented strategic plans and have routinely generated a tremendous amount of performance data. The question is—have Federal agencies actually used their performance data to get better results?

Producing information does not by itself improve performance and experts from both sides of the aisle agree that the solutions developed in 1993 have not worked. The American people deserve—and our fiscal challenges demand—better results.

The GPRA Modernization Act of 2010 which I offer today aims to assist and motivate—Federal agencies to put away the stacks of reports that no one reads and actually start to think how we can improve the effectiveness, efficiency and transparency of our Government.

This legislation represents the many lessons learned over the past 17 years and brings a high level, government wide focus to making our government work better for the American people. It builds off the important strides President Obama's administration has made in this area and pushes Federal agencies even further to not only make goals, but to make individuals responsible for meeting them.

While the strength of our democracy rests on the ability of our government to deliver its promises to the people, we in Congress have a responsibility to be judicious stewards of the resources taxpayers invest in America, and ensure those resources are managed honestly, transparently and effectively. The GPRA Modernization Act of 2010 also calls on the federal government to identify where we are not performing well so we can make better decisions about where we should and should not be putting our scarce resources.

Today we face unparalleled challenges both here and abroad, and these require a knowledgeable and nimble federal government that can respond effectively. With concerns growing over the mounting federal deficit and national debt, the American people deserve to know that every dollar they send to Washington is being used to its utmost potential. Performance information is an invaluable tool that can ensure just that. If used effectively, it can identify problems, find solutions, and develop approaches that improve outcomes and produce results.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3853

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''GPRA Modernization Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:



**SEC. 2. STRATEGIC PLANNING AMENDMENTS.**

Chapter 3 of title 5, United States Code, is amended by striking section 306 and inserting the following:

**''§ 306. Agency strategic plans**

''(a) Not later than the first Monday in February of any year following the year in which the term of the President commences under section 101 of title 3, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President and Congress of its availability. Such plan shall contain—

''(1) a comprehensive mission statement covering the major functions and operations of the agency;

''(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;

''(3) a description of how any goals and objectives contribute to the Federal Government priority goals required by section 1120(a) of title 31;

''(4) a description of how the goals and objectives are to be achieved, including—

''(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and

''(B) a description of how the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;

''(5) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations required under subsection (d);

''(6) a description of how the performance goals provided in the plan required by section 1115(a) of title 31, including the agency priority goals required by section 1120(b) of title 31, if applicable, contribute to the general goals and objectives in the strategic plan;

''(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

''(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted.

''(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency is operating, with appropriate notification of Congress.

''(c) The performance plan required by section 1115(b) of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

''(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

''(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.''.

**SEC. 3. PERFORMANCE PLANNING AMENDMENTS.**

Chapter 11 of title 31, United States Code, is amended by striking section 1115 and inserting the following:

**''§ 1115. Federal Government and agency performance plans**

''(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

''(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

''(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

''(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal;

''(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—

''(A) overall progress toward each Federal Government performance goal; and

''(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

''(5) establish clearly defined quarterly milestones; and

''(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.

''(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

''(1) establish performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year;

''(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

''(3) describe how the performance goals contribute to—

''(A) the general goals and objectives established in the agency's strategic plan required by section 306(a)(2) of title 5; and

''(B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a)(1);

''(4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;

''(5) provide a description of how the performance goals are to be achieved, including—

''(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

''(B) clearly defined milestones;

''(C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;

''(D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and

''(E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;

''(6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;

''(7) provide a basis for comparing actual program results with the established performance goals;

''(8) a description of how the agency will ensure the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means to be used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

''(9) describe major management challenges the agency faces and identify—

''(A) planned actions to address such challenges;

''(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

''(C) the agency official responsible for resolving such challenges; and

''(10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include an evidence-based justification for designating a program activity as low priority.

''(c) ALTERNATIVE FORM.—If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

''(1) include separate descriptive statements of—

''(A)(i) a minimally effective program; and

''(ii) a successful program; or

''(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

''(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

''(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

''(e) APPENDIX.—An agency may submit with an annual performance plan an appendix covering any portion of the plan that—

''(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

''(2) is properly classified pursuant to such Executive order.

''(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

''(g) CHIEF HUMAN CAPITAL OFFICERS.—With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (b)(5)(A).

''(h) DEFINITIONS.—For purposes of this section and sections 1116 through 1125, and sections 9703 and 9704, the term—

''(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

''(2) 'crosscutting' means across organizational (such as agency) boundaries;

''(3) 'customer service measure' means an assessment of service delivery to a customer, client, citizen, or other recipient, which can include an assessment of quality, timeliness, and satisfaction among other factors;

''(4) 'efficiency measure' means a ratio of a program activity's inputs (such as costs or hours worked by employees) to its outputs (amount of products or services delivered) or outcomes (the desired results of a program);

''(5) 'major management challenge' means programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse, and mismanagement (such as issues identified by the Government Accountability Office as high risk or issues identified by an Inspector General) where a failure to perform well could seriously affect the ability of an agency or the Government to achieve its mission or goals;

''(6) 'milestone' means a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work;

''(7) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

''(8) 'output measure' means the tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner;

''(9) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

''(10) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

''(11) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

''(12) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.''.

**SEC. 4. PERFORMANCE REPORTING AMENDMENTS.**

Chapter 11 of title 31, United States Code, is amended by striking section 1116 and inserting the following:

**''§ 1116. Agency performance reporting**

''(a) The head of each agency shall make available on a public website of the agency an update on agency performance.

''(b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115(b) and shall occur no less than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.

''(2) If performance goals are specified in an alternative form under section 1115(c), the results shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

''(c) Each update shall—

''(1) review the success of achieving the performance goals and include actual results for the 5 preceding fiscal years;

''(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals during the period covered by the update;

''(3) explain and describe where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(c)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

''(A) why the goal was not met;

''(B) those plans and schedules for achieving the established performance goal; and

''(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

''(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title;

''(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management;

''(6) describe how the agency ensures the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy; and

''(7) include the summary findings of those program evaluations completed during the period covered by the update.

''(d) If an agency performance update includes any program activity or information that is specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive Order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of agency performance updates under this section shall be performed only by Federal employees.''.

**SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY GOALS.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:

**''§ 1120. Federal Government and agency priority goals**

''(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

''(1) The Director of the Office of Management and Budget shall coordinate with agencies to develop priority goals to improve the performance and management of the Federal Government. Such Federal Government priority goals shall include—

''(A) outcome-oriented goals covering a limited number of crosscutting policy areas; and

''(B) goals for management improvements needed across the Federal Government, including—

''(i) financial management;

''(ii) human capital management;

''(iii) information technology management;

''(iv) procurement and acquisition management; and

''(v) real property management;

''(2) The Federal Government priority goals shall be long-term in nature. At a minimum, the Federal Government priority goals shall be updated or revised every 4 years and made publicly available concurrently with the submission of the budget of the United States Government made in the first full fiscal year following any year in which the term of the President commences under section 101 of title 3. As needed, the Director of the Office of Management and Budget may make adjustments to the Federal Government priority goals to reflect significant changes in the environment in which the Federal Government is operating, with appropriate notification of Congress.

''(3) When developing or making adjustments to Federal Government priority goals, the Director of the Office of Management and Budget shall consult periodically with the Congress, including obtaining majority and minority views from—

''(A) the Committees on Appropriations of the Senate and the House of Representatives;

''(B) the Committees on the Budget of the Senate and the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Government Reform of the House of Representatives;

''(E) the Committee on Finance of the Senate;

''(F) the Committee on Ways and Means of the House of Representatives; and

''(G) any other committees as determined appropriate;

''(4) The Director of the Office of Management and Budget shall consult with the appropriate committees of Congress at least once every 2 years.

''(5) The Director of the Office of Management and Budget shall make information about the Federal Government priority goals available on the website described under section 1122 of this title.

''(6) The Federal Government performance plan required under section 1115(a) of this title shall be consistent with the Federal Government priority goals.

''(b) AGENCY PRIORITY GOALS.—

''(1) Every 2 years, the head of each agency listed in section 901(b) of this title, or as otherwise determined by the Director of the Office of Management and Budget, shall identify agency priority goals from among the performance goals of the agency. The Director of the Office of Management and Budget shall determine the total number of agency priority goals across the Government, and the number to be developed by each agency. The agency priority goals shall—

''(A) reflect the highest priorities of the agency, as determined by the head of the agency and informed by the Federal Government priority goals provided under subsection (a) and the consultations with Congress and other interested parties required by section 306(d) of title 5;

''(B) have ambitious targets that can be achieved within a 2-year period;

''(C) have a clearly identified agency official, known as a goal leader, who is responsible for the achievement of each agency priority goal;

''(D) have interim quarterly targets for performance indicators if more frequent updates of actual performance provides data of

significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and

''(E) have clearly defined quarterly milestones.

''(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(c) The functions and activities of this section shall be considered to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.''.

**SEC. 6. QUARTERLY PRIORITY PROGRESS REVIEWS AND USE OF PERFORMANCE INFORMATION.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1120 (as added by section 5 of this Act) the following:

**''§ 1121. Quarterly priority progress reviews and use of performance information**

''(a) USE OF PERFORMANCE INFORMATION TO ACHIEVE FEDERAL GOVERNMENT PRIORITY GOALS.—Not less than quarterly, the Director of the Office of Management and Budget, with the support of the Performance Improvement Council, shall—

''(1) for each Federal Government priority goal required by section 1120(a) of this title, review with the appropriate lead Government official the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) include in such reviews officials from the agencies, organizations, and program activities that contribute to the accomplishment of each Federal Government priority goal;

''(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

''(4) categorize the Federal Government priority goals by risk of not achieving the planned level of performance; and

''(5) for the Federal Government priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agencies, organizations, program activities, regulations, tax expenditures, policies or other activities.

''(b) AGENCY USE OF PERFORMANCE INFORMATION TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than quarterly, at each agency required to develop agency priority goals required by section 1120(b) of this title, the head of the agency and Chief Operating Officer, with the support of the agency Performance Improvement Officer, shall—

''(1) for each agency priority goal, review with the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;

''(3) assess whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned to the agency priority goals;

''(4) categorize agency priority goals by risk of not achieving the planned level of performance; and

''(5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agency program activities, regulations, policies, or other activities.''.

**SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PROGRAMS, PRIORITY GOALS, AND RESULTS.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1121 (as added by section 6 of this Act) the following:

**''§ 1122. Transparency of programs, priority goals, and results**

''(a) TRANSPARENCY OF AGENCY PROGRAMS.—

''(1) IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall—

''(A) ensure the effective operation of a single website;

''(B) at a minimum, update the website on a quarterly basis; and

''(C) include on the website information about each program identified by the agencies.

''(2) INFORMATION.—Information for each program described under paragraph (1) shall include—

''(A) an identification of how the agency defines the term 'program', consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;

''(B) a description of the purposes of the program and the contribution of the program to the mission and goals of the agency; and

''(C) an identification of funding for the current fiscal year and previous 2 fiscal years.

''(b) TRANSPARENCY OF AGENCY PRIORITY GOALS AND RESULTS.—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website, with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each agency priority goal, the website shall also consolidate information about each agency priority goal, including—

''(1) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

''(2) an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of the agency priority goal;

''(3) a description of how each agency priority goal will be achieved, including—

''(A) the strategies and resources required to meet the priority goal;

''(B) clearly defined milestones;

''(C) the organizations, program activities, regulations, policies, and other activities that contribute to each goal, both within and external to the agency;

''(D) how the agency is working with other agencies to achieve the goal; and

''(E) an identification of the agency official responsible for achieving the priority goal;

''(4) the performance indicators to be used in measuring or assessing progress;

''(5) a description of how the agency ensures the accuracy and reliability of the data used to measure progress towards the priority goal, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy;

''(6) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(7) an assessment of whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned;

''(8) an identification of the agency priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(c) TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.—The Director of the Office of Management and Budget shall also make available on the website—

''(1) a brief description of each of the Federal Government priority goals required by section 1120(a) of this title;

''(2) a description of how the Federal Government priority goals incorporate views and suggestions obtained through congressional consultations;

''(3) the Federal Government performance goals and performance indicators associated with each Federal Government priority goal as required by section 1115(a) of this title;

''(4) an identification of the lead Government official for each Federal Government performance goal;

''(5) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(6) an identification of the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities that contribute to each Federal Government priority goal;

''(7) an assessment of whether relevant agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned;

''(8) an identification of the Federal Government priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(d) INFORMATION ON WEBSITE.—The information made available on the website under this section shall be readily accessible and easily found on the Internet by the public and members and committees of Congress. Such information shall also be presented in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.''.

**SEC. 8. AGENCY CHIEF OPERATING OFFICERS.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1122 (as added by section 7 of this Act) the following:

**''§ 1123. Chief Operating Officers**

''(a) ESTABLISHMENT.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

''(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

''(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(2) advise and assist the head of agency in carrying out the requirements of sections

1115 through 1122 of this title and section 306 of title 5;

''(3) oversee agency-specific efforts to improve management functions within the agency and across Government; and

''(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.''.

**SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS AND THE PERFORMANCE IMPROVEMENT COUNCIL.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1123 (as added by section 8 of this Act) the following:

**''§ 1124. Performance Improvement Officers and the Performance Improvement Council**

''(a) PERFORMANCE IMPROVEMENT OFFICERS.—

''(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

''(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

''(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

''(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

''(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

''(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

''(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

''(b) PERFORMANCE IMPROVEMENT COUNCIL.—

''(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

''(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

''(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

''(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

''(D) other individuals as determined appropriate by the chairperson.

''(2) FUNCTION.—The Performance Improvement Council shall—

''(A) be convened by the chairperson or the designee of the chairperson, who shall preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

''(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

''(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

''(D) work to resolve specific Government-wide or crosscutting performance issues, as necessary;

''(E) facilitate the exchange among agencies of practices that have led to performance improvements within specific programs, agencies, or across agencies;

''(F) coordinate with other interagency management councils;

''(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

''(H) consider the performance improvement experiences of corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

''(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

''(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements.

''(3) SUPPORT.—

''(A) IN GENERAL.—The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

''(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.''.

**SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.**

(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—For fiscal year 2012 and each fiscal year thereafter, each agency required to produce strategic plans, performance plans, and performance updates in accordance with the amendments made by this Act shall—

(1) not incur expenses for the printing of strategic plans, performance plans, and performance reports for release external to the agency, except when providing such documents to the Congress;

(2) produce such plans and reports in searchable, machine-readable formats; and

(3) make such plans and reports available on the website described under section 1122 of title 31, United States Code.

(b) WEB-BASED PERFORMANCE PLANNING AND REPORTING.—

(1) IN GENERAL.—Not later than June 1, 2012, the Director of the Office of Management and Budget shall issue guidance to agencies to provide concise and timely performance information for publication on the website described under section 1122 of title 31, United States Code, including, at a minimum, all requirements of sections 1115 and 1116 of title 31, United States Code, except for section 1115(e).

(2) HIGH-PRIORITY GOALS.—For agencies required to develop agency priority goals under section 1120(b) of title 31, United States Code, the performance information required under this section shall be merged with the existing information required under section 1122 of title 31, United States Code.

(3) CONSIDERATIONS.—In developing guidance under this subsection, the Director of the Office of Management and Budget shall take into consideration the experiences of agencies in making consolidated performance planning and reporting information available on the website as required under section 1122 of title 31, United States Code.

**SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY REPORTING.**

(a) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating second paragraph (33) as paragraph (35); and

(2) by adding at the end the following:

''(37) the list of plans and reports, as provided for under section 1125, that agencies identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.''.

(b) ELIMINATION OF UNNECESSARY AGENCY REPORTING.—Chapter 11 of title 31, United States Code, is further amended by adding after section 1124 (as added by section 9 of this Act) the following:

**''§ 1125. Elimination of unnecessary agency reporting**

''(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

''(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

''(2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

''(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

''(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

''(b) PLANS AND REPORTS.—

''(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

''(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

''(c) REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37), the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.''.

**SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.**

(a) PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Performance Improvement Council, shall identify the key skills and competencies needed by Federal Government personnel for developing goals, evaluating programs, and analyzing and using performance information for the purpose of improving Government efficiency and effectiveness.

(b) POSITION CLASSIFICATIONS.—Not later than 2 years after the date of enactment of this Act, based on the identifications under subsection (a), the Director of the Office of Personnel Management shall incorporate, as appropriate, such key skills and competencies into relevant position classifications.

(c) INCORPORATION INTO EXISTING AGENCY TRAINING.—Not later than 2 years after the enactment of this Act, the Director of the Office of Personnel Management shall work with each agency, as defined under section 306(f) of title 5, United States Code, to incorporate the key skills identified under subsection (a) into training for relevant employees at each agency.

**SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) The table of contents for chapter 3 of title 5, United States Code, is amended by striking the item relating to section 306 and inserting the following:

''306. Agency strategic plans.''.

(b) The table of contents for chapter 11 of title 31, United States Code, is amended by striking the items relating to section 1115 and 1116 and inserting the following:

''1115. Federal Government and agency performance plans.
''1116. Agency performance reporting.''.

(c) The table of contents for chapter 11 of title 31, United States Code, is amended by adding at the end the following:

''1120. Federal Government and agency priority goals.
''1121. Quarterly priority progress reviews and use of performance information.
''1122. Transparency of programs, priority goals, and results.
''1123. Chief Operating Officers.
''1124. Performance Improvement Officers and the Performance Improvement Council.
''1125. Elimination of unnecessary agency reporting.''.

**SEC. 14. IMPLEMENTATION OF THIS ACT.**

(a) INTERIM PLANNING AND REPORTING.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate with agencies to develop interim Federal Government priority goals and submit interim Federal Government performance plans consistent with the requirements of this Act beginning with the submission of the fiscal year 2013 Budget of the United States Government.

(2) REQUIREMENTS.—Each agency shall—

(A) not later than February 6, 2012, make adjustments to its strategic plan to make the plan consistent with the requirements of this Act;

(B) prepare and submit performance plans consistent with the requirements of this Act, including the identification of agency priority goals, beginning with the performance plan for fiscal year 2013; and

(C) make performance reporting updates consistent with the requirements of this Act beginning in fiscal year 2012.

(3) QUARTERLY REVIEWS.—The quarterly priority progress reviews required under this Act shall begin—

(A) with the first full quarter beginning on or after the date of enactment of this Act for agencies based on the agency priority goals contained in the Analytical Perspectives volume of the Fiscal Year 2011 Budget of the United States Government; and

(B) with the quarter ending June 30, 2012 for the interim Federal Government priority goals.

(b) GUIDANCE.—The Director of the Office of Management and Budget shall prepare guidance for agencies in carrying out the interim planning and reporting activities required under subsection (a), in addition to other guidance as required for implementation of this Act.

**SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.**

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a goal of the Federal Government or an agency.

(b) GAO REVIEWS.—

(1) INTERIM PLANNING AND REPORTING EVALUATION.—Not later than June 30, 2013, the Comptroller General shall submit a report to Congress that includes—

(A) an evaluation of the implementation of the interim planning and reporting activities conducted under section 14 of this Act; and

(B) any recommendations for improving implementation of this Act as determined appropriate.

(2) IMPLEMENTATION EVALUATIONS.—

(A) IN GENERAL.—The Comptroller General shall evaluate the implementation of this Act subsequent to the interim planning and reporting activities evaluated in the report submitted to Congress under paragraph (1).

(B) AGENCY IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate how implementation of this Act is affecting performance management at the agencies described in section 901(b) of title 31, United States Code, including whether performance management is being used by those agencies to improve the efficiency and effectiveness of agency programs.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) a subsequent report on the evaluation under clause (i), not later than September 30, 2017.

(C) FEDERAL GOVERNMENT PLANNING AND REPORTING IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate the implementation of the Federal Government priority goals, Federal Government performance plans and related reporting required by this Act.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) subsequent reports on the evaluation under clause (i), not later than September 30, 2017 and every 4 years thereafter.

(D) RECOMMENDATIONS.—The Comptroller General shall include in the reports required by subparagraphs (B) and (C) any recommendations for improving implementation of this Act and for streamlining the planning and reporting requirements of the Government Performance and Results Act of 1993.

Mr. WARNER. Mr. President, I rise to offer new legislation that I urge all my colleagues from both sides of the aisle to support. I am pleased to be joined by Senators CARPER, AKAKA, LIEBERMAN, COLLINS, and VOINOVICH as original cosponsors of this bill. The legislation we offer today, the Government Performance and Results Modernization Act of 2010, is directly aimed at improving operations and quantifying results across the Federal Government.

I think most of my colleagues know I am a business guy. In fact, I have spent more time in the business world than in the public sector. I have always tried to apply commonsense business practices to the work of government, in my former job as Virginia Governor and now as Senator. This is a point I think most of us on both sides of the aisle would acknowledge: If I ran a business or if we ran any business the way we run the Federal Government, I would be out of business in short order. If we do not change—as we hear the kinds of folks across America say: We want to see more efficiency from our Federal Government—if we do not change, our government might get run out of business as well.

As chair of the Budget Committee Task Force on Government Performance, over the last 18 months I have been looking into how we use data and information to improve government operations. Over the last year, our task force has held a series of hearings, meetings, and conversations with public and private sector leaders from every level of government to learn more about what works and what does not work. Here is what we have learned.

At the beginning of every President's administration, it seems an entirely new performance agenda is established. The Bush administration had the President's Management Agenda, and the current administration has its own accountable government initiatives. With this frequent change in approach every 4 to 8 years, it is difficult to ensure that we are consistent in the data we collect, use the best tools and technology to analyze it, and then put the necessary accountability in place to orderly track performance and the basic functions of what government does. Let me give you a couple examples.

Agencies produce literally thousands of pages of data each year, but too often we do not use it. We do not use it in Congress. Public interest groups do

not use it. Enormous efforts are put into collecting this data, and then it sits on the shelf. Typically, this performance data is only reported once a year, so it is often too late by the time we discover whether we are improving or falling behind.

We also do not compare the results of similar programs. Too often, so many of our government functions are siloed by agency or Department and rarely is this data analyzed in any kind of crosscutting fashion. We in the task force took a look at this. We looked, for example, at workforce training programs across the Federal Government. We are currently funding 44 separate Federal programs in 9 different departments to support workforce training. We all would agree that in a changing world, workforce training is key to America's competitiveness. But 44 programs in 9 different departments without any kind of crosscutting analysis? No business could operate that way. And it is not just workforce training. In food safety—a piece of legislation that we are working on that I and I know the Presiding Officer hope we pass before the end of the year to put new food safety standards in place—in food safety, we currently fund 17 different entities within 7 different departments involved in food safety activities. So how can we assess what is working and what is not working?

In short, government operates in silos. We report by agency and by program, but we do not know what we are doing in government in any particular project area or specific policy goal area. We need a better system that enables us to review the results of each program as a whole in terms of how they feed into a policy objective, where we are having the most impact, and, candidly, where we could find some room to cut or curtail.

Our Federal performance system also needs to increase the accountability of senior agency leadership. In many agencies, the performance planning and reporting is disconnected from the senior officials and not part of the daily operations of the agency. In other words, somebody's got this task, but their functions of performance audits and measurements and metrics do not have a direct line of reporting to whoever the chief operating officer of the particular agency is.

I can say that at the State and local level, we have actually made some progress in changing this around. Let me parochially start with what we did in Virginia. This chart I have in the Chamber is a little bit busy, but we created a Virginia Performs Web site. We use this to track progress we are making in key policy areas that are important to Virginians. So whether it is the economy, education—and we set commonsense goals that everyone can agree on across party lines, and then we look at the measurement criteria that lead to that goal. This is one of the reasons Virginia has earned the recognition as the best managed State in the country.

It is not just happening in Virginia, though. In Indiana, a different tool has been created. It is called the Transparency Portal by GOV Mitch Daniels. It again tries to bring transparency to the policy goals. Then we can argue about how we get there or how we ought to fund how we get there. But unless we have common agreement on the goal and then see which programs lead to that goal and measure the effectiveness of the individual programs, we are not going to get, particularly in these budget-constrained times, the best value for our Federal tax dollar.

I believe Washington has much to learn from these local and State level examples in setting goals, holding managers accountable, and using performance metrics in a consistent, user-friendly way. State and local decision-makers do not have to wait to look at the results once a year. They do it constantly. That is what we did in Virginia. That is what we need to do in our Nation's Capital as well.

In addition to this reporting and crosscutting, we also need to recognize that not all of these burdensome reporting requirements are of equal value. So the task force has focused on reducing reporting requirements to identify what reporting might be consolidated or eliminated. If you get overwhelmed with data at certain points, the data becomes somewhat less useful. So we want to focus these agencies on what are the key determinants on which they ought to report. I do not want to just add new reports and data requirements on agencies. There are bookshelves all over this town sagging from the weight of unread reports. So we must streamline and modernize what we are currently doing, and we need to examine outdated and overlapping agency reporting. We should only collect information that is useful.

The Government Performance and Results Modernization Act addresses many of our findings to improve the operations and results across government.

First, it will require all agencies to produce real-time data on results. As I mentioned earlier, in the past, agencies would report on performance only once a year. This bill would require agencies to post results quarterly so the public and Congress can use that real-time information about what works on targeted goals. With today's technology and if you are collecting data on an ongoing basis, there is no reason we should have this information only come out once a year. A quarterly requirement will allow us to correct and fine-tune on an ongoing basis.

Second, the bill requires agencies to post data on a single public Web site. This Web site will contain performance information from across government so we can see how we are performing and how national priorities such as education, public health, and safety, are being met. Again, I go back to Virginia Performs, which works. You agree on a top-line policy goal, and then you see across agencies how all these different programs feed in. So posting this on a single public Web site rather than having Members of Congress or the public sort through the myriad of sites right now is a step in the right direction.

Third, agencies will be required to identify low-priority programs that are not adequately contributing to the overall results. Now, this is controversial. Every agency likes to talk about its best performing programs. No agency likes to talk about which programs really are not getting the job done. But as we face increasingly budget constraining times, we must make sure we look not only at the winners but that we have the agencies themselves put forward those areas where programs are not meeting the goals.

Fourth, we need to take important steps to improve the accountability of the senior officers in government agencies. We formally establish that agency deputy secretaries are the chief operating officers and hold them accountable for the results the agencies are looking for. Again, you have to have a chain of command so somebody knows who is the chief operating officer and those people who are performing are responsible and those metrics are reported to that chief operating officer. We also establish a performance improvement officer who reports directly to the COO and, again, works across agencies to meet our crosscutting goals.

We also feel these efforts will generate ''back office'' savings, and we have as a policy goal—I do not believe this will be a stretch—a literally 10-percent reduction in written reports.

We sometimes get overloaded with data. We want to fine-tune the data. We want to make sure the more useful data is reported on a more regular basis, that extraneous amounts—some of the kind of burdensome stuff that has been put in in the past that may no longer be relevant—we want to eliminate. And within the agency, we want to make sure there is a clear chain of command.

I think the Government Performance and Results Modernization Act moves us forward in a major way. So this legislation—commonsense business practices, bipartisan, in an effort that will meet the 10-percent reduction in agency reports; the effort, finally, to make sure we can look at policy goals not by individual department or agency but across programmatic areas; the same kinds of business techniques that are used in Fortune 500 companies all across America and, for that matter, all across the world—will bring these best practices into the Federal Government and make sure we do not have this kind of start-and-stop effort that has, unfortunately, plagued modernization efforts over the past.

I urge my colleagues on both sides of the aisle—since this is bipartisan supported—to join in this effort. As we think about many of the major issues

that we kind of fight through in these remaining days of this Congress, I hope, for this kind of commonsense piece of legislation, that we could get the time needed to get it passed. Again, I urge my colleagues to join us in this effort.

Mr. AKAKA. Mr. President, I am pleased to join Senators CARPER, WARNER, COLLINS, LIEBERMAN, and VOINOVICH in introducing the GPRA Modernization Act of 2010.

As an original cosponsor of the Government Performance and Results Act of 1993, often referred to as GPRA or the Results Act, I believe the time has come to refine and enhance this landmark bill.

President Obama, in his inaugural address, observed:

> The question we ask today is not whether our government is too big or too small but whether it works.

This question captures the essence of what the Results Act seeks to achieve. While the original Results Act made significant progress in encouraging agencies to develop a results-oriented culture, it is time to modernize GPRA. Several long-standing challenges hinder agency efforts to answer this critical question. Our legislation is a bipartisan effort to empower agencies to overcome these challenges and better evaluate how to use taxpayer dollars in the most efficient and effective way possible.

Prior to 1993, Congress had never enacted a statutory framework for strategic planning, goal setting, or performance measurement. According to the U.S. Government Accountability Office, before GPRA, few agencies had results-oriented performance information to manage or make strategic policy decisions. The Results Act was a bipartisan effort that succeeded in establishing a comprehensive and consistent statutory foundation of required agency strategic plans, annual performance plans, and annual performance reports. GPRA is and must remain a cornerstone of the Federal Government's efforts to strengthen strategic planning across all agencies.

Lessons learned from nearly two decades worth of experience implementing the Results Act, informed by numerous GAO reports and recommendations; confirm the need to strengthen the statutory framework established by GPRA.

The legislation we offer today draws on this experience, applying lessons learned to amend GPRA to address the limitations identified by GAO and other observers. I will highlight a few of the important provisions in this bill.

Our bill requires the Director of the Office of Management and Budget to develop a Federal Government performance plan and to coordinate with agencies to develop Federal Government priority goals for management and policy issues that cut across agencies. This provision addresses a longstanding GAO recommendation that the Federal Government develop a government-wide performance plan to provide OMB, agencies, and Congress, with a structured framework for addressing crosscutting policy initiatives and program efforts.

This legislation also strengthens the congressional consultation provisions to require agencies consult with Congress when developing strategic plans and identifying priority goals. GAO has found that regular consultation with Congress about the content and format of strategic and performance plans is critical to ensure that both the executive and legislative branches are engaged in improving government performance. Full congressional buy-in is a key element to building a sustainable performance management framework.

Our legislative proposal also addresses performance management skills and competencies, which GAO has identified as a critical factor in determining an agency's success in utilizing performance management systems. A 2007 GAO survey of Federal managers found nearly half reported not receiving training that would assist in utilizing performance information. Our bill addresses this training deficit by requiring the Director of the Office of Personnel Management to identify key performance management skills and competencies and incorporate them into relevant position classifications and training curricula.

Congress has a responsibility to promote effective performance management to enable Federal agencies to spend taxpayer dollars wisely, while carrying out critical missions. The GPRA Modernization Act is an important step towards accomplishing this goal, and I urge my colleagues to support this legislation.

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By Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 3854. A bill to expand the definition of scheme or artifice to defraud with respect to mail and wire fraud; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Honest Services Restoration Act with Senator WHITEHOUSE and Senator KAUFMAN. The legislation will restore critical tools used by investigators and prosecutors to combat public corruption and corporate fraud, which the Supreme Court dramatically weakened in Skilling v. United States.

In Skilling, the Court sided with an Enron executive who had been convicted of fraud, and in doing so, held that the honest services fraud statute may be used to prosecute only bribery and kickbacks, but no other conduct. That leaves other corrupt and fraudulent conduct which prosecutors in the past addressed under the honest services fraud statute to go unchecked. Most notably, the Court's decision excluded undisclosed ''self-dealing'' by state and federal public officials, and corporate officers and directors, which is when those officials or executives secretly act in their own financial self-interest, rather than in the interest of the public or, in the private sector cases, their shareholders and employees. The Honest Services Restoration Act restores the honest services statute to cover this undisclosed ''self-dealing'' by state and Federal public officials, and corporate officers and directors.

In a hearing earlier today, the Judiciary Committee heard testimony from experts who explored the kinds of problematic conduct that may now go unchecked in the wake of the Skilling decision. The testimony also considered what Congress can and should do to fill those gaps and restore strong enforcement to combat corrupt and fraudulent conduct.

It is clear that in recent years, the stain of corruption has spread to all levels of government. This is a problem that victimizes every American by chipping away at the foundations of our democracy and the faith that Americans have in their government. Recent years have also seen a plague of financial and corporate frauds that have severely undermined our economy and hurt too many hardworking people in this country. These frauds have robbed people of their savings, their retirement accounts, college funds for their children, and have cost too many people their homes.

Congress has acted, by passing the Fraud Enforcement and Recovery Act and other key provisions, to give prosecutors and investigators more tools to combat fraud. But we must remain vigilant, as the methods and techniques used by those who would defraud hardworking Americans continue to change. Too often, loopholes in existing laws have meant that corrupt conduct can go unchecked. The honest services fraud statute has enabled prosecutors to root out corrupt and fraudulent conduct that would otherwise slip through those loopholes; we must tighten it so it can perform that important role again.

Congress must act aggressively but carefully to strengthen our laws to root out corruption and fraud. By preventing public officials and corporate executives from acting in their own self-interest at the expense of the people they serve, the Honest Services Restoration Act closes a gap created by Skilling and strengthens a critical law enforcement tool. I look forward to working with Senators from both parties to quickly pass this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3854

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Honest Services Restoration Act''.

**SEC. 2. AMENDMENT TO TITLE 18.**

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following:

**''§ 1346A. Definition of 'scheme or artifice to defraud'**

''(a) For purposes of this chapter, the term 'scheme or artifice to defraud' also includes—

''(1) a scheme or artifice by a public official to engage in undisclosed self-dealing; or

''(2) a scheme or artifice by officers and directors to engage in undisclosed private self-dealing.

''(b)(1) In subsection (a)(1)—

''(A) the term 'undisclosed self-dealing' means that—

''(i) a public official performs an official act for the purpose, in whole or in part, of benefitting or furthering a financial interest of—

''(I) the public official;

''(II) the public official's spouse or minor child;

''(III) a general partner of the public official;

''(IV) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;

''(V) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or

''(VI) a person, business, or organization from whom the public official has received a thing of value or a series of things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

''(ii) the public official knowingly falsifies, conceals, or covers up material information that is required to be disclosed regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official;

''(B) the term 'public official' means an officer, employee, or elected or appointed representative, or person acting for or on behalf of the United States, a State, or subdivision of a State, or any department, agency, or branch thereof, in any official function, under or by authority of any such department agency or branch of Government;

''(C) the term 'official act'—

''(i) includes any act within the range of official duty, and any decision, recommendation, or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit;

''(ii) can be a single act, more than one act, or a course of conduct; and

''(iii) includes a decision or recommendation that the Government should not take action; and

''(D) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(2) In subsection (a)(2)—

''(A) the term 'undisclosed private self-dealing' means that—

''(i) an officer or director performs an act which causes or is intended to cause harm to the officer's or director's employer, and which is undertaken in whole or in part to benefit or further by an actual or intended value of $5,000 or more a financial interest of—

''(I) the officer or director;

''(II) the officer or director's spouse or minor child;

''(III) a general partner of the officer or director;

''(IV) another business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner; or

''(V) an individual, business, or organization with whom the officer or director is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; and

''(ii) the officer or director knowingly falsifies, conceals, or covers up material information that is required to be disclosed regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director;

''(B) the term 'employer' includes publicly traded corporations, and private charities under section 501(c)(3) of the Internal Revenue Code of 1986; and

''(C) the term 'act' includes a decision or recommendation to take, or not to take action, and can be a single act, more than one act, or a course of conduct.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting after the item for section 1346 the following:

''Sec. 1346A. Definition of 'scheme or artifice to defraud'.''.

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By Ms. CANTWELL (for herself, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. SANDERS):

S. 3855. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the issuance of new clean renewable energy bonds and to terminate eligibility of governmental bodies to issue such bonds, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, today I am introducing legislation that will unleash a wave of investment in clean renewable energy. The Clean Renewable Energy Investment Act of 2010 will remove the arbitrary cap on the amount of Clean Renewable Energy Bonds that can be issued by our Nation's consumer-owned public power providers and cooperative electric companies. This legislation will generate significant private investment in renewable energy projects that will create thousands of jobs nationwide.

Congress first created Clean Renewable Energy Bonds, or ''CREBs'' in 2005 in an attempt to parallel the tax incentive offered by the Section 45 tax credit for electricity produced from renewable resources. However, the incentives for consumer-owned utilities have never been truly comparable to the subsidy we provide to for-profit, investor-owned utilities because unlike the section 45 tax credit, CREBs have always been subject to an overall cap on the amount of bonds that can be issued nationwide.

Since consumer-owned utilities operate on a not-for-profit basis and incur no Federal income tax liability, traditional production tax credits otherwise available to for-profit utilities simply do not work—because there is no Federal tax liability to offset with the credit. Yet the nearly 3,000 public power utilities and rural electric cooperatives collectively serve 25 percent of the Nation's electricity customers. These utilities are often ideally situated in terms of both geography and size to integrate clean and renewable technologies into their systems.

The original CREB program has been extended twice and was modified in the Emergency Economic Stabilization Act of 2008 to make it more workable for public power and more attractive to institutional investors. The Emergency Economic Stabilization Act and the American Recovery and Reinvestment Act of 2009 provided for an additional $2.4 billion in CREB funding split equally between public power providers, rural electric cooperatives, and other governmental bodies. In March 2010, Congress passed another very useful modification to the CREB program by giving issuers of CREBs the option to issue the bonds as ''direct-pay bonds'', similar to the structure of Build America Bonds.

In the last round of CREBs, the demand for projects significantly exceeded the availability of the limited $800 million for each category of issuer. Public power and electric cooperative utilities have billions of dollars in projects awaiting these incentives—with some even having the potential to use $800 million for a single project if given the opportunity.

This means we have an opportunity to unleash a wave of investments in clean energy. In Washington State, 50 percent of customers are served by public power providers. Nationwide, public power and cooperatives serve one in four electricity customers. Yet, if we look back over the history of the Section 45 tax credit and CREBs, Congress typically shortchanges the consumer-owned sector. Looking at the Joint Committee on Taxations estimates of the cost of all the major energy tax legislation since 2005, the resources allocated to CREBs have been roughly 1/10 of the cost of extending or expanding, section 45.

My legislation would correct this inconsistency in our energy policy by removing the arbitrary cap on the volume of CREBs that can be issued, and would instead sunset the CREB program at the end of 2013, which is consistent with the expiration of most components of the section 45 credit.

It would also remove the ''governmental bodies'' category from eligibility for the bonds. The CREB program was originally developed for utility-scale projects and this amendment reflects that intent and puts the program in line with the Production Tax Credit for investor-owned utilities. Since passage of the American Recovery and Reinvestment Act, Governmental bodies now have their own bond program. They are eligible for the new Qualified Energy Conservation Bonds,

QECBs, which is a more suitable program for these entities as they can finance both renewable and energy efficiency projects with QECBs. Under this legislation, Tribal utilities would remain eligible issuers of CREBs.

In addition, the bill clarifies that any reimbursement with bond proceeds is governed by the reimbursement rules applicable to tax-exempt bonds. It is widely recognized in the public finance community that the existing wording in Section 54A(d)(2)(D) is at best unclear, and at worst incorrect. State and local government issuers of bonds are familiar with the reimbursement rules applicable to tax-exempt bonds and there is no tax policy reason to have two sets of reimbursement rules.

Finally, the bill insures that any new CREBs allocated before the date of enactment of this bill are not affected by any of these amendments. The intent is to ensure that the ''government bodies'' category is still able to issue previously allocated CREBs and will not be retroactively cut out of the program.

This bill is good energy policy because it will lead to the development of thousands of megawatts of renewable power. It is good tax policy because it maintains the integrity of the CREBs program, and it is overall good public policy because it provides parity between investor-owned and consumer-owned utilities.

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By Mr. LEAHY (for himself, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 3858. A bill to improve the H–2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in these challenging economic times, dairy farmers in Vermont, New York, and across America are experiencing particularly difficult conditions. They face both rock-bottom milk prices, and a severe labor shortage. There is an immediate solution for one of these issues. Labor shortages could be met with foreign agricultural workers under a special visa program, called H–2A, which allows farmers who are unable to fill labor needs with domestic workers to hire temporary or seasonal foreign workers. I have long sought to include dairy farmers in the H–2A program, but the Department of Labor has consistently refused to interpret the law to allow dairy farmers access to seasonal foreign workers.

Last fall, the Department of Labor initiated a rulemaking process to reconsider various aspects of the H–2A program. I repeatedly urged the Department to exercise its authority to give dairy farmers access to H–2A workers, both through comments I submitted in the formal rulemaking and by supporting the comments of the National Milk Producers Federation.

Nonetheless, on February 11, 2010, the Department released a final rule that continues to exclude the dairy industry from this valuable program. Inexplicably, while refusing to include the dairy industry because of its year-round needs, the Department of Labor extends new access to the H–2A program to the logging industry, and continues to offer access to these purportedly seasonal worker visas to the year-round sheepherding industry.

Today, I introduce the H–2A Improvement Act with Senators GILLIBRAND and SCHUMER. This bill will finally end the inequity under current law. The H–2A Improvement Act will make explicit in law that dairy farms can use the H–2A program, ensuring that dairy farmers in Vermont, New York, and throughout the Nation can find the labor they need to stay in business, meeting the needs of their communities and American families. This legislation, which also gives statutory access to the H–2A program to sheep herders and goat herders, contains provisions to ensure that the benefit that these workers provide to farmers is maximized. The legislation authorizes this unique class of workers to remain in the United States for an initial period of 3 years, and gives U.S. Citizenship and Immigration Services the authority to approve a worker for an additional 3-year period as needed. After the initial 3-year period, the worker may petition to become a lawful permanent resident.

The failure to allow the dairy industry to participate in the H–2A program puts many dairy farmers in the situation of having to choose between their livelihoods and following the law. Late last year, the Department of Homeland Security audited at least four dairy farms in Vermont. Although I strongly believe that the vast majority of dairy farmers want to hire a lawful workforce, there is a critical shortage of domestic workers available to work on dairy farms. Dairy farmers are often ill-equipped to verify the authenticity of documents that job applicants present. As a result, some of the workers the farmers hire may not be lawfully authorized to work. With all the challenges facing dairy farmers today, we should help dairy farmers hire lawful workers, not leave them with the precarious choice of hiring workers who may be unauthorized, or hiring no workers at all.

Expanding the H–2A program to include dairy workers would protect both American and foreign workers. It would protect American workers from having to compete with an unlawful work force, in which unscrupulous employers pay lower wages in often unsafe conditions. At the same time, it would protect foreign dairy workers, by requiring that employers comply with existing H–2A regulations and wage and hour and occupational safety laws. This legislation, if enacted, would give foreign workers who seek employment in the dairy industry the dignity and certainty of lawful status and the opportunity to be productive members of the communities in which they work.

In 2006 and 2007, I worked to include nearly identical provisions in the Senate's comprehensive immigration bills. This legislation reflects those provisions. The measure I introduce today is a simple, targeted fix to our immigration laws that will enable dairy farmers to gain the benefits of this important program. While I recognize that many agricultural employers are frustrated by the current regulatory process, it is a critical first step, and a matter of basic fairness that dairy farmers are afforded the same opportunities to obtain labor as all other agricultural sectors.

Although this legislation is necessary to meet the immediate needs of dairy farmers, I also want to make absolutely clear that I remain in complete support of the more comprehensive AgJOBS legislation, which I joined Senator FEINSTEIN in introducing last year, and on which Senator FEINSTEIN and others have worked tirelessly. I will continue to strongly support that legislation, and Senator FEINSTEIN in her efforts to see it enacted. AgJOBS is broader than the H–2A Improvement Act. It reforms the broader H–2A program to cover agricultural workers that are currently assisting American farmers, but who are not lawfully authorized to work. It also makes important, negotiated changes to streamline the H–2A regulatory process for employers and workers. I recognize that farmers across the country need a comprehensive solution—from Vermont's small dairy farms to the vast fields of California. The solution that the AgJOBS legislation proposes will benefit agriculture across the Nation and is a solution I remain committed to making a reality.

I will also continue to work with Senate leadership and Senators from both sides of the aisle to accomplish our shared goals for broader reform of our Nation's immigration system. In the meantime, America's dairy farmers must at least be placed on the same footing as other agricultural interests with respect to our current H–2A laws.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3858

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''H-2A Improvement Act''.

**SEC. 2. NONIMMIGRANT STATUS FOR DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.**

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting ''who is coming temporarily to the United States to perform agricultural labor or services as a dairy worker, sheepherder, or goat herder, or'' after ''abandoning''.

**SEC. 3. SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.**

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

''(h) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien admitted as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker, sheepherder, or goat herder—

''(A) may be admitted for an initial period of 3 years; and

''(B) subject to paragraph (3)(E), may have such initial period of admission extended for an additional period of up to 3 years.

''(2) EXEMPTION FROM TEMPORARY OR SEASONAL REQUIREMENT.—Not withstanding section 101(a)(15)(H)(ii)(a), an employer filing a petition to employ H–2A workers in positions as dairy workers, sheepherders, or goat herders shall not be required to show that such positions are of a seasonal or temporary nature.

''(3) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

''(A) ELIGIBLE ALIEN.—In this paragraph, the term 'eligible alien' means an alien who—

''(i) has H–2A worker status based on employment as a dairy worker, sheepherder, or goat herder;

''(ii) has maintained such status in the United States for a not fewer than 33 of the preceding 36 months; and

''(iii) is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(B) CLASSIFICATION PETITION.—A petition under section 204 for classification of an eligible alien under section 203(b)(3)(A)(iii) may be filed by—

''(i) the alien's employer on behalf of the eligible alien; or

''(ii) the eligible alien.

''(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa under section 203(b)(3)(A)(iii) for an eligible alien.

''(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on a petition described in subparagraph (B) shall not be a basis fo denying—

''(i) another petition to employ H–2A workers;

''(ii) an extension of nonimmigrant status for a H–2A worker;

''(iii) admission of an alien as an H–2A worker;

''(iv) a request for a visa for an H–2A worker;

''(v) a request from an alien to modify the alien's immigration status to or from status as an H–2A worker; or

''(vi) a request made for an H–2A worker to extend such worker's stay in the United Stats.

''(E) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(F) CONSTRUCTION.—Nothing in this paragraph may be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.''; and

(3) in subsection (j)(1), as redesignated by paragraph (1), by striking ''The term'' and inserting ''Except as provided under subsection (h)(2)(A), the term''.

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By Mr. INOUYE:

S. 3859. A bill to express the sense of the Senate concerning the establishment of Doctor of Nursing Practice and doctor of Pharmacy dual degree programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I rise to recognize the need for a health care professional skilled in caring for the specific needs of a growing elderly population. In the next 30 years we will see a unique change in population demographics in this country. The geriatric population is increasing and by the year 2030, the over 65 age group will make up 20 percent of the population. More people will reach the 100-year mark. My home State of Hawai'i is home to more 100-year olds per capita than any other State. The risk for developing disease and illness becomes greater as one ages. As we see an increase in the age of our population, those living with chronic illnesses such as cardiovascular disease, respiratory diseases, diabetes and cancer, will continue to rise in numbers as well. These are patient's who require care in the ambulatory, hospital, and home care settings. The chronically ill geriatric patients usually are living with multiple co-morbidities and possess poly pharmacy challenges. We are living in a time when it is crucial to develop the skills and expertise to care for these patients and provide them with the quality health care they deserve in a cost effective manner.

While the terms dual, joint, double or combined degrees are used interchangeably, the overall definition is students working for two different and distinct degrees in parallel, completing two degrees in less time than it would take to complete each separately. Under the leadership of Katharyn F. Daub, EdD, CTN, CNE, Director School of Nursing, John M. Pezzuto, Ph.D., Dean, College of Pharmacy, and Donald O. Straney, Ph.D., Chancellor, University of Hawai'i at Hilo, the University of Hawai'i at Hilo has created a model that would partner both their school of nursing and pharmacy to meet the needs of the changing health care field through the implementation of a dual-degree program that would combine a Doctor of Nursing Practice, DNP, with a Doctor of Pharmacy, PharmD.

The overall purpose of this innovative cross cutting dual or joint degree nursing program is to prepare nurses to expand the traditional scope of nursing practice, with the goal of strengthening health care teams. The American Association of Colleges of Nursing, AACN, 2009 survey of schools of nursing documents that there are over 100 nursing schools that offer dual degree programs: 74 MSN/MBA programs; 34 MSN/MPH programs; 10 MSN/MHA programs; 5 MSN/MPA programs; 4 MSN/MDIV programs; and 3 MSN/JD programs. Currently there is no dual degree program that combines nursing and pharmacology.

Through this dual collaborative role we would be able to meet the unique needs of rural communities across age continuums and in diverse settings. The nurse/pharmacist would enhance collaboration between DNPs and physicians regarding drug therapy. The program also would provide for the implementation of safer medication administration. It would broaden the scope of practice for pharmacists through education and training in diagnosis and management of common acute and chronic diseases, and create new employment opportunities for private physician or nurse managed clinics, walk-in clinics, school/college clinics, long-term facilities, veteran administration facilities, hospitals and hospital clinics, hospice centers, home health care agencies, pharmaceutical companies, emergency departments, urgent care sites, physician group practices, extended care facilities, and research centers.

Additional research and evaluation would determine the extent of which graduates of this program improve primary health care, address disparities, diversify the workforce, and increase quality of service for underserved populations.

I urge you to consider the benefits of the development of a joint degree in nursing and pharmacology.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3859

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Doctor of Nursing Practice and Doctor of Pharmacy Dual Degree Program Act of 2010''.

**SEC. 2. FINDINGS.**

The Senate makes the following findings:

(1) The terms dual, joint, double or combined degrees are used interchangeably, the overall definition is students working for two different and distinct degrees in parallel, completing two degrees in less time than it would take to complete each separately.

(2) The overall purpose of the innovative cross cutting dual or joint degree nursing programs is to prepare nurses to expand the traditional scope of nursing practice, with the goal of strengthening health care teams.

(3) The American Association of Colleges of Nursing (AACN) 2009 survey of schools of nursing documents that there are over 100 nursing schools that offer dual degree programs of which 74 are MSN/MBA programs, 34 are MSN/MPH programs, 10 are MSN/MHA programs, 5 are MSN/MPA programs, 4 are MSN/MDIV programs, and 3 are MSN/JD programs.

(4) There is currently no dual degree program that combines nursing and pharmacology.

(5) Recently, the University of Hawai'i at Hilo has explored the option of nursing and pharmacy partnering to meet the needs of the changing health care field.

**SEC. 3. SENSE OF THE SENATE.**

It is the sense of the Senate that—

(1) there should be established a Doctor of Nursing Practice (DNP) and Doctor of Pharmacy (PharmD) dual degree program;

(2) the development of a joint degree in nursing and pharmacology should combine a Doctor of Nursing Practice (DNP) with a Doctor of Pharmacy (PharmD);

(3) the significance of such a dual degree program would be improving patient outcomes;

(4) through such a dual collaborative role, health providers will be better able to meet the unique needs of rural communities across the age continuum and in diverse settings;

(5) such a dual degree program—

(A) would enhance collaboration between Doctors of Nursing Practice and physicians regarding drug therapy;

(B) would provide for research concerning, and the implementation of, safer medication administration;

(C) would broaden the scope of practice for pharmacists through education and training in diagnosis and management of common acute and chronic diseases;

(D) would provide new employment opportunities for private physician or nurse managed clinics, walk-in clinics, school or college clinics, long-term care facilities, Veteran Administration facilities, hospitals and hospital clinics, hospice centers, home health care agencies, pharmaceutical companies, emergency departments, urgent care sites, physician group practices, extended care facilities, and research centers; and

(E) would assist in filling the need for primary care providers with an expertise in geriatrics and pharmaceuticals; and

(6) additional research and evaluation should be conducted to determine the extent to which graduates of such a dual degree program improve primary health care, address disparities, diversify the workforce, and increase quality of service for underserved populations.

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By Mr. ROCKEFELLER:

S. 3863. A bill to designate certain Federal land within the Monongahela National Forest as a component of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Monongahela Conservation Legacy Act of 2010. This important piece of legislation sets aside 6,042 acres of the Monongahela National Forest on North Fork Mountain in Grant County, WV, to be included in the National Wilderness Preservation System.

West Virginians have a proud tradition of mining and logging that provides needed resources for our entire country. I have no doubt that this tradition will continue for many decades to come. However, at the same time, new development is coming to West Virginia. This is needed development that provides jobs for West Virginians and helps support our economy. But with this increased development comes a responsibility to set aside some part of our natural environment for those who come after us.

The Monongahela National Forest encompasses nearly 920,000 acres of land in the heart of the Appalachian Mountain Range and contains some of the most ecologically diverse regions in the country. North Fork Mountain is one of these incredible areas and has earned the Forest Service's highest rating for Natural Integrity in its Wilderness Attribute Rating System. The mountain is a nesting site for peregrine falcons and home to 120 rare plants, animals, and natural communities. With this wilderness designation all of these ecological treasures will be permanently protected.

Over the years I have heard from hundreds of West Virginians about how important wilderness is to them. I have heard from West Virginians who want to make sure that they will be able to continue to fish pristine streams and hunt in the forests. Wilderness is a major draw for the outdoor tourism industry and will provide jobs.

Finally, I want to extend my thanks to Congressman MOLLOHAN, who has introduced identical legislation in the House of Representatives, for his leadership on this issue. I will continue to work with all stakeholders involved to move this legislation forward and to address any concerns while ensuring the preservation of this truly special place.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 652—HONORING MR. ALFRED LIND FOR HIS DEDICATED SERVICE TO THE UNITED STATES OF AMERICA DURING WORLD WAR II AS A MEMBER OF THE ARMED FORCES AND A PRISONER OF WAR, AND FOR HIS TIRELESS EFFORTS ON BEHALF OF OTHER MEMBERS OF THE ARMED FORCES TOUCHED BY WAR

Mrs. MURRAY submitted the following resolution; which was considered and agreed to:

S. RES. 652

Whereas Mr. Alfred Lind served in World War II from 1942 to 1945 as a member of the 58th Armored Field Artillery Battalion;

Whereas Mr. Lind was wounded in action in combat near Brolo, Sicily when his M-7 self-propelled howitzer was hit during a tank battle;

Whereas Mr. Lind was captured and held as a prisoner of war for 2 years, being transferred between Stalag IIB near Hammerstein, Stalag IIIB near Furstenberg, and Stalag IIIA near Luckenwalde;

Whereas, after the war, Mr. Lind returned to his roots as a farmer and retired after many years of hard work;

Whereas, after retiring, Mr. Lind turned his attention to supporting members of the Armed Forces by making quilts for the Quilts of Valor Foundation;

Whereas the Quilt of Valor Foundation distributes handmade quilts to members of the Armed Forces and veterans who have been wounded or touched by war to demonstrate support, honor and care for our Armed Forces;

Whereas the Quilt of Valor Foundation has made and distributed over 30,000 quilts to members of the Armed Forces and veterans since the foundation began in 2003;

Whereas Mr. Lind has made over 400 quilts in honor of other members of the Armed Forces who have been touched by war;

Whereas Mr. Lind passed away on September 10, 2010, at the age of 92; and

Whereas Mr. Lind was a true patriot, who continued his service to the Armed Forces of the United States long after his retirement: Now, therefore, be it

*Resolved*, That the Senate honors Mr. Alfred Lind for—

(1) his service to the United States as a soldier and as a prisoner of war; and

(2) his dedication to provide solace and comfort through Quilts of Valor to members of the Armed Forces and veterans alike.

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### SENATE RESOLUTION 653—DESIGNATING OCTOBER 30, 2010, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. BUNNING (for himself, Mr. UDALL of New Mexico, Mr. ALEXANDER, Mr. BINGAMAN, Mrs. MURRAY, Mr. MCCONNELL, Mr. GRASSLEY, Ms. CANTWELL, Mr. REID, Mr. UDALL of Colorado, Mr. CORKER, Mr. VOINOVICH, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 653

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas, in 2009, Congress recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States;

Whereas, in the year prior to the approval of this resolution, a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 30, 2010, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2010, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

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### SENATE RESOLUTION 654—DESIGNATING DECEMBER 18, 2010, AS ''GOLD STAR WIVES DAY''

Mr. BURR (for himself, Mr. WEBB, Mr. BURRIS, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 654

Whereas the Senate has always honored the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was in 1945;

Whereas December 18, 2010, marks the 65th anniversary of the incorporation of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 18, 2010, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe ''Gold Star Wives Day'' to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

## SENATE RESOLUTION 655—DESIGNATING NOVEMBER 2010 AS ''STOMACH CANCER AWARENESS MONTH'' AND SUPPORTING EFFORTS TO EDUCATE THE PUBLIC ABOUT STOMACH CANCER

Mr. FEINGOLD (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 655

Whereas stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

Whereas stomach cancer is the second leading cause of cancer mortality worldwide;

Whereas, in 2009, an estimated 21,000 new cases of stomach cancer were diagnosed in the United States;

Whereas, in 2010, an estimated 10,000 Americans will die from stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 26 percent;

Whereas approximately 1 in 113 individuals will be diagnosed with stomach cancer in their lifetimes;

Whereas an inherited form of stomach cancer carries a 67 to 83 percent risk that an individual will be diagnosed with stomach cancer by age 80;

Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas better patient and health care provider education is needed for the timely recognition of stomach cancer risks and symptoms;

Whereas more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2010 is an appropriate month to observe ''Stomach Cancer Awareness Month'': Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2010 as ''Stomach Cancer Awareness Month'';

(2) supports efforts to educate the people of the United States about stomach cancer;

(3) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(4) encourages the people of the United States and interested groups to observe and support November 2010 as ''Stomach Cancer Awareness Month'' through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

## SENATE RESOLUTION 656—EXPRESSING SUPPORT FOR THE INAUGURAL USA SCIENCE & ENGINEERING FESTIVAL

Mr. KAUFMAN (for himself, Mr. REID, Mr. BAUCUS, Mr. ROCKFELLER, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 656

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'');

Whereas a new generation of American students educated in STEM is crucial to ensure continued economic growth;

Whereas advances in technology have resulted in significant improvements in the daily lives of the people of the United States;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of the world;

Whereas strengthening the interest of American students, particularly young women and underrepresented minorities, in STEM education is necessary to maintain the global competitiveness of the United States;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the mission of the USA Science & Engineering Festival is to reinvigorate the interest of the young people of the United States in STEM by producing exciting and educational science and engineering gatherings; and

Whereas thousands of individuals from universities, museums and science centers, STEM professional societies, educational societies, government agencies and laboratories, community organizations, K-12 schools, volunteers, corporate and private sponsors, and nonprofit organizations have come together to organize the inaugural USA Science & Engineering Festival across the United States, including a 2-day exposition on the National Mall that will feature more than 1,500 hands-on activities and more than 75 stage shows: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses the support of the Senate for the inaugural USA Science & Engineering Festival to be held in October 2010 in Washington, D.C.;

(2) commends the Nobel Laureates, institutions of higher education, corporate sponsors, and all the various organizations whose efforts will make the USA Science & Engineering Festival possible; and

(3) encourages students and their families to participate in the activities which will take place on the National Mall and across the United States at satellite locations as part of the inaugural USA Science & Engineering Festival.

## SENATE RESOLUTION 657—CELEBRATING THE 75TH ANNIVERSARY OF THE DEDICATION OF THE HOOVER DAM

Mr. REID (for himself, Mr. ENSIGN, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 657

Whereas the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas, on September 30, 1935, President Franklin D. Roosevelt dedicated the Hoover Dam;

Whereas the construction of the Hoover Dam created Lake Mead, a reservoir that can store an amount of water that is equal to 2 years average flow of the Colorado River;

Whereas the construction of the Hoover Dam provided vitally critical flood control, water supply, and electrical power and helped to create and support the economic growth and development of the Southwestern United States;

Whereas the Hoover Dam has prevented an estimated $50,000,000,000 in flood damages in the Lower Colorado River Basin;

Whereas the Hoover Dam provides water for more than 18,000,000 people and 1,000,000 acres of farmland in the States of Arizona, California, and Nevada and 500,000 acres of farmland in Mexico, as well as produces an average of 4,000,000,000 kilowatt-hours of hydroelectric power each year;

Whereas the Hoover Dam, an engineering marvel at 726.4 feet from bedrock to crest, was the highest dam in the world at the time the Hoover Dam was constructed;

Whereas the Hoover Dam is an enduring symbol of the ingenuity of the United States and the persistence of hardworking Americans during the Great Depression;

Whereas the Hoover Dam is the model for major water management projects around the world; and

Whereas the Hoover Dam is registered as a National Historic Landmark on the National Register of Historic Places and is considered 1 of 7 modern engineering wonders by the American Society of Civil Engineers: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates and acknowledges the thousands of workers and families that overcame difficult working conditions and great challenges to make construction of the Hoover Dam possible;

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam;

(3) recognizes the past, present, and future benefits of the construction of the Hoover Dam to the agricultural, industrial, and urban development of the Southwestern United States; and

(4) joins the States of Arizona, California, Nevada, and the people of the United States in celebrating the 75th anniversary of the dedication of the Hoover Dam.

## SENATE RESOLUTION 658—DESIGNATING THE WEEK BEGINNING OCTOBER 17, 2010, AS ''NATIONAL CHARACTER COUNTS WEEK''

Mr. DODD (for himself, Mr. GRASSLEY, Mr. BROWN of Ohio, Mr. CORNYN, Mr. LEVIN, Mr. LIEBERMAN, Mr. PRYOR, Mr. ROCKEFELLER, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 658

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of ''National Character Counts Week'', during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week beginning October 17, 2010, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

## SENATE RESOLUTION 659—SUPPORTING ''LIGHTS ON AFTERSCHOOL'', A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. COCHRAN, Mr. SPECTER, Mr. WHITEHOUSE, Ms. SNOWE, Mr. SANDERS, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mr. CARPER, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BURR, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 659

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;

Whereas ''Lights On Afterschool'', a national celebration of afterschool programs held on October 21, 2010, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

*Resolved,* That the Senate supports the goals and ideals of ''Lights On Afterschool'', a national celebration of afterschool programs.

## SENATE RESOLUTION 660—EXPRESSING SUPPORT FOR A PUBLIC DIPLOMACY PROGRAM PROMOTING ADVANCEMENTS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS MADE BY OR IN PARTNERSHIP WITH THE PEOPLE OF THE UNITED STATES

Mr. KAUFMAN (for himself and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 660

Whereas science, technology, engineering, and mathematics are vital fields of increasing importance in driving the economic engine and ensuring the security of the United States;

Whereas science, technology, engineering, and mathematics have played, and will continue to play, critical roles in helping to develop clean energy technologies, find lifesaving cures for diseases, solve security challenges, and discover new solutions for deteriorating transportation and infrastructure;

Whereas the United States is recognized as an international leader in science, technology, engineering, and mathematics and a destination for individuals from all over the world studying in those fields;

Whereas in partnership with countries and individuals across the globe, the people of the United States have made advances in science, technology, engineering, and mathematics that have advanced the knowledge and improved the condition of human beings everywhere;

Whereas international scientific cooperation enhances relationships among participating countries by building trust and increasing understanding between those countries and cultures through the collaborative nature of scientific dialogue;

Whereas partnerships between the people of other countries and the people of the United States are the most effective form of public diplomacy, helping to counter misconceptions based on fear, ignorance, and misinformation;

Whereas consistent polling and scholarly research have shown that even countries that disagree with some aspects of United States foreign policy admire the leadership of the United States in science, technology, engineering, and mathematics; and

Whereas international scientific cooperation has produced successful engagement and led to improved relations with countries that exhibited hostility to the United States in the past, including Russia and the People's Republic of China: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends individuals and institutions that participate in and support advancements in science, technology, engineering, and mathematics, especially through international partnerships;

(2) supports the Science Envoy Program as representative of the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world based on issues of common interest and expertise; and

(3) encourages the Secretary of State to establish a public diplomacy program that uses embassies of the United States and the resources of the Smithsonian Institution and other such institutions—

(A) to establish engaging exhibits that provide examples of cooperation between institutions and the people of the United States and the institutions and people of the host country in the fields of science, technology, engineering, and mathematics;

(B) to create fora for individuals working or conducting research in science, technology, engineering, and mathematics in the host country to discuss their work and the cooperation with the institutions and people of the United States and those of the host country; and

(C) to encourage future cooperation and relationships with students around the world in science, technology, engineering, and mathematics.

## SENATE RESOLUTION 661—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF McCARTHY V. BYRD, ET AL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 661

Whereas, in the case of McCarthy v. Byrd, et al., Case No. 1:10–CV–03317, pending in the United States District Court for the District of New Jersey, plaintiff has named as a defendant the President Pro Tempore of the Senate; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senator Inouye, the President Pro Tempore of the Senate, in the case of McCarthy v. Byrd, et al.

## SENATE RESOLUTION 662—TO AMEND THE STANDING RULES OF THE SENATE TO REFORM THE FILIBUSTER RULES TO IMPROVE THE DAILY PROCESS OF THE SENATE

Mr. UDALL of Colorado submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 662

Whereas the Senate has operated under the cloture rules for many decades;

Whereas there has been a marked increase in the use of the filibuster in recent years;

Whereas sweeping, monumental legislation affecting economic recovery, reform of the healthcare system, reform of the financial regulatory system, and many other initiatives all were enacted in the 111th Congress after overcoming filibusters;

Whereas both parties have used the filibuster to prevent the passage of controversial legislation;

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas there are many areas where the rules of the Senate have been abused, and can make way for changes that will improve the daily process of the Senate; and

Whereas bipartisan cooperation can overcome nearly any obstacle in the United States Senate, changing the Senate rules must also be done with bipartisan cooperation: Now, therefore, be it

*Resolved*,

**SECTION 1. CHANGING VOTE THRESHOLD TO PRESENT AND VOTING.**

The second undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking ''duly chosen and sworn'' and inserting ''present and voting''.

**SEC. 2. MOTIONS TO PROCEED.**

Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended to read as follows

''2. Debate on a motion to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for—

''(1) a motion to proceed to a proposal to change the Standing Rules which shall be debatable; and

''(2) a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter which shall not be debatable.''.

**SEC. 3. NO FILIBUSTER AFTER COMPLETE SUBSTITUTE IS AGREED TO.**

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

''If a complete substitute amendment for a measure is agreed to after consideration under cloture, the Senate shall proceed to a final disposition of the measure without intervening action or debate except one quorum call if requested.''.

**SEC. 4. NO FILIBUSTER RELATED TO COMMITTEES ON CONFERENCE.**

Rule XXVIII of the Standing Rules of the Senate is amended by inserting at the end the following:

''10.(a) Upon the Majority Leader making a motion to disagree with a House amendment or amendments or insist on a Senate amendment or amendments, request a conference with the House, or agree to the conference requested by the House on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conferees on the part of the Senate, debate on the motion, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(b) A motion made by the majority leader pursuant to subparagraph (a) shall not be divisible and shall not be subject to amendment.''.

**SEC. 5. TIME PRECLOTURE.**

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) in the first subparagraph of paragraph 2, by striking ''one hour after the Senate meets on the following calendar day but one'' and inserting ''24 hours after the filing of the motion''; and

(2) in the third undesignated paragraph, by striking the second sentence and inserting ''Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk 12 hours following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least 1 hour prior to the beginning of the cloture vote if an amendment in the second degree.''.

**SEC. 6. DIVISION OF TIME POSTCLOTURE.**

The fourth undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting ''(to be equally divided between the majority and the minority)'' after ''thirty hours of consideration''.

**SEC. 7. ALLOWING COMMITTEES TO MEET WITHOUT CONSENT.**

Paragraph 5 of rule XXVI of the Standing Rules of the Senate is amended by—

(1) striking subparagraph (a); and

(2) redesignating subparagraphs (b) through (e) as subparagraphs (a) through (d), respectively.

**SEC. 8. READING OF AMENDMENTS.**

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended by inserting at the end the following:

''(c) The reading of an amendment may be waived by a nondebatable motion if the amendment has been printed in the Congressional Record and available for at least 24 hours before the motion.''.

**SEC. 9. ALLOWING AMENDMENTS WHEN AMENDMENTS PENDING BY A LIMITED MOTION.**

Rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

''6.(a) If an amendment is pending and except as provided in subparagraph (b), a nondebateable motion shall be in order to set aside any pending amendments in order to offer another germane amendment. No Senator shall offer more than 1 such motion in any calendar day and the Senate shall consider not more than 5 such motions in any calendar day.

''(b)(1) A nondebateable motion shall be in order to waive the requirement of germaneness under subparagraph (a).

''(2) A waiver motion under this subparagraph shall require three-fifths of the Senators duly chosen and sworn.

''(c) An affirmative vote of three-fifths of the Senators duly chosen and sworn shall be required to sustain an appeal of a ruling by the chair on a point of order raised under this paragraph.''.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4667. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4668. Mr. DURBIN (for Mr. KYL (for himself, Mr. MERKLEY, Mr. BURR, Mrs. FEINSTEIN, Mr. ISAKSON, Ms. COLLINS, and Mr. VITTER)) proposed an amendment to the bill H.R. 5566, to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

SA 4669. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.

SA 4670. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, supra.

SA 4671. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

SA 4672. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, supra.

## TEXT OF AMENDMENTS

**SA 4667.** Mr. WEBB (for himself and Mr. WARNER) submitted an amendment

intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IX, add the following:

**SEC. 953. LIMITATIONS ON DISESTABLISHMENT OR RELATED ACTIONS REGARDING THE UNIFIED COMBATANT COMMANDS.**

(a) IN GENERAL.—The President may not disestablish, close, or realign a unified combatant command until the later of the following:

(1) The submittal by the Secretary of Defense to the congressional defense committees of a proposal for the disestablishment, closure, or realignment of the combatant command that sets forth the following:

(A) A description of the purpose and goals of, and the analytical basis and justification for, the proposal.

(B) A list of alternatives, if any, considered before recommending the proposal, including options such as the consolidation or elimination of selected functions at the command.

(C) A detailed plan of action and milestones for the proposal, including a specific description of the functions proposed for termination, retention, reduction, expansion, or transfer, and the projected impacts of such actions on military personnel, civilian employees, and contractor staff.

(D) An assessment of the impact of the proposal on the accomplishment of the main missions of the command, including a description and assessment of the manner in which such missions will be performed during and upon completion of the proposal.

(E) An evaluation of the impacts of the proposal on expenditures of Federal funds, including an estimate of any cost savings or cost increases that may be incurred by the Department of Defense or other departments and agencies of the Federal Government as a result of the proposal.

(F) An assessment of the impacts of the plan on employment and the economy in the localities affected by the proposal.

(G) An environmental impact statement that reviews the environmental and socioeconomic impacts of the proposal at each location anticipated to experience an increase or decrease of more than 300 uniformed, civilian, or contract personnel as a result of the proposal.

(2) The submittal by the Secretary to the congressional defense committees of a certification that the disestablishment, closure, or realignment of the combatant command will not adversely affect military readiness, joint concept development and experimentation, joint training, joint capabilities development, or current and future joint operations.

(3) The submittal by the Comptroller General of the United States to the congressional defense committees of a report setting forth a review and assessment of the proposal submitted under paragraph (1).

(4) A period of 30 legislative days or 60 calendar days, whichever is longer, elapses following the day on which the Comptroller General submits the report referred to in paragraph (3). For purposes of this paragraph, 30 legislative days shall be treated as having elapsed from the date of the submittal of a report only when 30 legislative days has elapsed from that date in both the Senate and the House of Representatives.

(b) UNIFIED COMBATANT COMMAND DEFINED.—In this section, the term ''unified combatant command'' has the meaning given that term in section 161(c)(1) of title 10, United States Code.

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**SA 4668.** Mr. DURBIN (for Mr. KYL (for himself, Mr. MERKLEY, Mr. BURR, Mrs. FEINSTEIN, Mr. ISAKSON, Ms. COLLINS, and Mr. VITTER)) proposed an amendment to the bill H.R. 5566, to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Animal Crush Video Prohibition Act of 2010''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as ''animal crush videos''.

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

(A) appeal to the prurient interest in sex;

(B) are patently offensive; and

(C) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(A) allows the perpetrators of such crimes to remain anonymous;

(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

(C) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

**SEC. 3. ANIMAL CRUSH VIDEOS.**

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

**''§ 48. Animal crush videos**

''(a) DEFINITION.—In this section the term 'animal crush video' means any photograph, motion-picture film, video or digital recording, or electronic image that—

''(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242); and

''(2) is obscene.

''(b) PROHIBITIONS.—

''(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, or to attempt or conspire to do so, if—

''(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

''(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

''(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce, or to attempt or conspire to do so.

''(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, or any attempt or conspiracy to do so, if—

''(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

''(2) the animal crush video is transported into the United States or its territories or possessions.''

''(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

''(e) EXCEPTIONS.—

''(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

''(A) customary and normal veterinary or agricultural husbandry practices;

''(B) the slaughter of animals for food; or

''(C) hunting, trapping, or fishing.

''(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

''(A) a law enforcement agency; or

''(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

''(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.''.

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

''48. Animal crush videos.''.

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional,

the provision and the application of the provision to other persons or circumstances shall not be affected thereby.

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**SA 4669.** Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SENSE OF CONGRESS REGARDING POLITICAL STATUS EDUCATION IN GUAM.**

It is the sense of Congress that the Secretary of the Interior may provide technical assistance to the Government of Guam under section 601(a) of the Act entitled ''An Act to authorize appropriations for certain insular areas of the United States, and for other purposes'', approved December 24, 1980 (48 U.S.C. 1469d(a)), for public education regarding political status options only if the political status options are consistent with the Constitution of the United States.

**SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

(a) DELAYED EFFECTIVE DATE.—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of division D of Public Law 111–117) is amended—

(1) in paragraph (1)(B), by inserting ''(except 2011 when there shall be no increase)'' after ''thereafter'' the second place it appears; and

(2) in paragraph (2)(C), by striking ''except that, beginning in 2010'' and inserting ''except that there shall be no such increase in 2010 or 2011 and, beginning in 2012''.

(b) GAO REPORT.—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) REPORT.—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report of its findings. The Government Accountability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage.''; and

(2) by redesignating subsection (c) as subsection (b).

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**SA 4670.** Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States; as follows:

Amend the title so as to read: ''To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.''.

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**SA 4671.** Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

**SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

## TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

**SEC. 101. EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) EXTENSION.—Paragraph (4) of section 3485(a) is amended by striking ''June 30, 2010'' each place it appears and inserting ''June 30, 2013''.

(b) ACTIVITIES IN STATE VETERANS AGENCIES.—Such paragraph is further amended by adding at the end the following new subparagraphs:

''(G) Any activity of a State veterans agency related to providing assistance to veterans in obtaining any benefit under the laws administered by the Secretary or the laws of the State.

''(H) A position working in a Center of Excellence for Veteran Student Success, as established pursuant to part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t et seq.).

''(I) A position working in a cooperative program carried out jointly by the Department and an institution of higher learning.

''(J) Any other veterans-related position in an institution of higher learning.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on October 1, 2011.

**SEC. 102. REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.**

Section 3692(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2013''.

**SEC. 103. 18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.**

(a) 18-MONTH PERIOD.—Section 4102A(c)(8)(A) is amended by striking ''three-year period'' and inserting ''18-month period''.

(b) EFFECTIVE DATE.—

(1) APPLICABILITY TO NEW EMPLOYEES.—The amendment made by subsection (a) shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of title 38, United States Code, who is so assigned on or after the date of the enactment of this Act.

(2) APPLICABILITY TO PREVIOUSLY-HIRED EMPLOYEES.—In the case of such a State employee who is so assigned on or after January 1, 2006, and before the date of the enactment of this Act, the Secretary of Labor shall require the State to require, as a condition of a grant or contract under which funds are made available to the State in order to carry out section 4103A or 4104 of title 38, United States Code, each such employee to satisfactorily complete the training described in section 4102A(c)(8)(A) of such title by not later than the date that is 18 months after the date of the enactment of this Act.

**SEC. 104. CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.**

(a) SHORT TITLE.—This section may be cited as the ''Veterans Small Business Verification Act''.

(b) CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.—

(1) CLARIFICATION.—Section 8127(f) is amended—

(A) in paragraph (2)—

(i) by inserting ''(A)'' before ''To be eligible'';

(ii) by inserting after ''or the veteran.'' the following new sentence: ''Application for inclusion in the database shall constitute permission under section 552a of title 5 (commonly referred to as the Privacy Act) for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application.''; and

(iii) by inserting after the sentence added by clause (ii) the following new subparagraph:

''(B) If the Secretary receives an application for inclusion in the database from an individual whose status as a veteran cannot be verified because the Secretary does not maintain information with respect to the veteran status of the individual, the Secretary may not include the small business concern owned and controlled by the individual in the database maintained by the Secretary until the Secretary receives such information as may be necessary to verify that the individual is a veteran.''; and

(B) by striking paragraph (4) and inserting the following new paragraph (4):

''(4) No small business concern may be listed in the database until the Secretary has verified that—

''(A) the small business concern is owned and controlled by veterans; and

''(B) in the case of a small business concern for which the person who owns and controls the concern indicates that the person is a veteran with a service-connected disability, that the person is a veteran with a service-connected disability.''.

(2) APPLICABILITY.—In the case of a small business concern included in the database as of the date of the enactment of this Act for which, as of such date, the Secretary of Veterans Affairs has not verified the status of such concern in accordance with paragraph (4) of subsection (f) of section 8127 of title 38, United States Code, as amended by paragraph (1), not later than 60 days after the date of the enactment of this Act, the Secretary shall notify the person who owns and controls the concern that—

(A) the Secretary is required to verify the status of the concern in accordance with such paragraph, as so amended;

(B) verification of such status shall require that the person who owns and controls the concern apply for inclusion in the database in accordance with such subsection, as so amended;

(C) application for inclusion in the database shall constitute permission under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application; and

(D) the person who owns and controls the concern must submit to the Secretary all information required by the Secretary under this paragraph within 90 days of receiving the Secretary's notice of such requirement or the concern shall be removed from the database.

**SEC. 105. DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL.**

(a) ESTABLISHMENT OF PROJECT.—The Secretary of Labor and the Office of Special Counsel shall carry out a 36-month demonstration project under which certain claims against Federal executive agencies under chapter 43 of title 38, United States Code, are referred to, or otherwise received by, the Office of Special Counsel for assistance, including investigation and resolution of the claim as well as enforcement of rights with respect to the claim. The demonstration program shall begin not later than 60 days after the Comptroller General of the United States submits the report required under subsection (e)(3).

(b) REFERRAL OF ALL PROHIBITED PERSONNEL PRACTICE CLAIMS TO THE OFFICE OF SPECIAL COUNSEL.—

(1) IN GENERAL.—Under the demonstration project, the Office of Special Counsel shall receive and investigate all claims under chapter 43 of title 38, United States Code, with respect to Federal executive agencies in cases where the Office of Special Counsel has jurisdiction over related claims pursuant to section 1212 of title 5, United States Code.

(2) RELATED CLAIMS.—For purposes of paragraph (1), a related claim is a claim involving the same Federal executive agency and the same or similar factual allegations or legal issues as those being pursued under a claim under chapter 43 of title 38, United States Code.

(c) REFERRAL OF OTHER CLAIMS AGAINST FEDERAL EXECUTIVE AGENCIES.—

(1) IN GENERAL.—Under the demonstration project, the Secretary—

(A) shall refer to the Office of Special Counsel all claims described in paragraph (2) made during the period of the demonstration project; and

(B) may refer any claim described in paragraph (2) filed before the demonstration

project that is pending before the Secretary at the beginning of the demonstration project.

(2) CLAIMS DESCRIBED.—A claim described in this paragraph is a claim under chapter 43 of title 38, United States Code, against a Federal executive agency by a claimant with a social security account number with an odd number as its terminal digit or, in the case of a claim that does not contain a social security account number, a case number assigned to the claim with an odd number as its terminal digit.

(d) ADMINISTRATION OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Office of Special Counsel shall administer the demonstration project. The Secretary shall cooperate with the Office of Special Counsel in carrying out the demonstration project.

(2) TREATMENT OF CERTAIN TERMS IN CHAPTER 43 OF TITLE 38, UNITED STATES CODE.—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, any reference to the ''Secretary'' in sections 4321, 4322, and 4326 of title 38, United States Code, is deemed to be a reference to the ''Office of Special Counsel''.

(3) ADMINISTRATIVE JURISDICTION.—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, the Office of Special Counsel shall retain administrative jurisdiction over the claim.

(e) DATA COMPARABILITY FOR REVIEWING AGENCY PERFORMANCE.—

(1) IN GENERAL.—To facilitate the review of the relative performance of the Office of Special Counsel and the Department of Labor during the demonstration project, the Office of Special Counsel and the Department of Labor shall jointly establish methods and procedures to be used by both the Office and the Department during the demonstration project. Such methods and procedures shall include each of the following:

(A) Definitions of performance measures, including—

(i) customer satisfaction;

(ii) cost (such as, but not limited to, average cost per claim);

(iii) timeliness (such as, but not limited to, average processing time, case age);

(iv) capacity (such as, but not limited to, staffing levels, education, grade level, training received, caseload); and

(v) case outcomes.

(B) Definitions of case outcomes.

(C) Data collection methods and timing of collection.

(D) Data quality assurance processes.

(2) JOINT REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Special Counsel and the Secretary of Labor shall jointly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and to the Comptroller General of the United States a report describing the methods and procedures established under paragraph (1).

(3) COMPTROLLER GENERAL REPORT.—Not later than 30 days after the date of the submittal of the report under paragraph (2), the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the report submitted under paragraph (2) and may provide recommendations for improving the methods and procedures described therein.

(f) AGENCY DATA TO GOVERNMENT ACCOUNTABILITY OFFICE.—The Office of Special Counsel and the Secretary of Labor shall submit to the Comptroller General such information and data about the demonstration project as may be required by the Comptroller General, from time to time during the course of the demonstration project and at the conclusion, in order for the Comptroller General to assess the reliability of the demonstration data maintained by both the Office of Special Counsel and the Department of Labor and to review the relative performance of the Office and Department under the demonstration project.

(g) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—The Comptroller General shall review the relative performance of the Office of Special Counsel and the Department of Labor under the demonstration project and—

(1) not later than one year after the commencement of the demonstration project, and annually thereafter during the period when the demonstration project is conducted, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an interim report on the demonstration project; and

(2) not later than 90 days after the conclusion of the demonstration project, submit to such committees a final report that includes the findings and conclusions of the Comptroller General regarding the relative performance of the Office and the Department under the demonstration project and such recommendations as the Comptroller General determines are appropriate.

**SEC. 106. VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM.**

(a) ESTABLISHMENT OF PILOT PROGRAM.—To encourage the employment of eligible veterans in the energy industry, the Secretary of Labor, as part of the Veterans Workforce Investment Program, shall carry out a pilot program to be known as the ''Veterans Energy-Related Employment Program''. Under the pilot program, the Secretary shall award competitive grants to not more than three States for the establishment and administration of a State program to make grants to energy employers that provide covered training, on-job training, apprenticeships, and certification classes to eligible veterans. Such a program shall be known as a ''State Energy-Related Employment Program''.

(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant under the pilot program, a State shall submit to the Secretary an application that includes each of the following:

(1) A proposal for the expenditure of grant funds to establish and administer a public-private partnership program designed to provide covered training, on-job training, apprenticeships, and certification classes to a significant number of eligible veterans and ensure lasting and sustainable employment in well-paying jobs in the energy industry.

(2) Evidence that the State has—

(A) a population of eligible veterans of an appropriate size to carry out the State program;

(B) a robust and diverse energy industry; and

(C) the ability to carry out the State program described in the proposal under paragraph (1).

(3) Such other information and assurances as the Secretary may require.

(c) USE OF FUNDS.—A State that is the recipient of a grant under this section shall use the grant for the following purposes:

(1) Making grants to energy employers to reimburse such employers for the cost of providing covered training, on-job training, apprenticeships, and certification classes to eligible veterans who are first hired by the employer on or after November 1, 2010.

(2) Conducting outreach to inform energy employers and veterans, including veterans in rural areas, of their eligibility or potential eligibility for participation in the State program.

(d) CONDITIONS.—Under the pilot program, each grant to a State shall be subject to the following conditions:

(1) The State shall repay to the Secretary, on such date as shall be determined by the Secretary, any amount received under the pilot program that is not used for the purposes described in subsection (c).

(2) The State shall submit to the Secretary, at such times and containing such information as the Secretary shall require, reports on the use of grant funds.

(e) EMPLOYER REQUIREMENTS.—In order to receive a grant made by a State under the pilot program, an energy employer shall—

(1) submit to the administrator of the State Energy-Related Employment Program an application that includes—

(A) the rate of pay, during and after training, for each eligible veteran proposed to be trained using grant funds;

(B) the average rate of pay for an individual employed by the energy employer in a similar position who is not an eligible veteran; and

(C) such other information and assurances as the administrator may require; and

(2) agree to submit to the administrator, for each quarter, a report containing such information as the Secretary may specify.

(f) LIMITATION.—None of the funds made available to an energy employer through a grant under the pilot program may be used to provide training of any kind to—

(1) a person who is not an eligible veteran; or

(2) an eligible veteran for whom the employer has received a grant, credit, or subsidy under any other provision of law.

(g) REPORT TO CONGRESS.—Together with the report required to be submitted annually under section 4107(c) of title 38, United States Code, the Secretary shall submit to Congress a report on the pilot program for the year covered by such report. The report on the pilot program shall include a detailed description of activities carried out under this section and an evaluation of the program.

(h) ADMINISTRATIVE AND REPORTING COSTS.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (j), two percent shall be made available to the Secretary for administrative costs associated with implementing and evaluating the pilot program under this section and for preparing and submitting the report required under subsection (f). The Secretary shall determine the appropriate maximum amount of each grant awarded under this section that may be used by the recipient for administrative and reporting costs.

(i) DEFINITIONS.—For purposes of this section:

(1) The term ''covered training, on-job training, apprenticeships, and certification classes'' means training, on-job training, apprenticeships, and certification classes that are—

(A) designed to provide the veteran with skills that are particular to an energy industry and not directly transferable to employment in another industry; and

(B) approved as provided in paragraph (1) or (2), as appropriate, of subsection (a) of section 3687 of title 38, United States Code.

(2) The term ''eligible veteran'' means a veteran, as that term is defined in section 101(2) of title 38, United States Code, who is employed by an energy employer and enrolled or participating in a covered training, on-job training, apprenticeship, or certification class.

(3) The term ''energy employer'' means an entity that employs individuals in a trade or business in an energy industry.

(4) The term ''energy industry'' means any of the following industries:

(A) The energy-efficient building, construction, or retrofits industry.

(B) The renewable electric power industry, including the wind and solar energy industries.

(C) The biofuels industry.

(D) The energy efficiency assessment industry that serves the residential, commercial, or industrial sectors.

(E) The oil and natural gas industry.

(F) The nuclear industry.

(j) APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,500,000 for each of fiscal years 2012 through 2014, for the purpose of carrying out the pilot program under this section.

**SEC. 107. PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE.**

(a) AVAILABILITY OF SCHOLARSHIP INFORMATION.—By not later than June 1, 2011, the Secretary of Veterans Affairs shall include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors and, for each such organization, a link to the Internet website of the organization.

(b) MAINTENANCE OF SCHOLARSHIP INFORMATION.—The Secretary of Veterans Affairs shall make reasonable efforts to notify schools and other appropriate entities of the opportunity to be included on the Internet website of the Department of Veterans Affairs pursuant to subsection (a).

## TITLE II—HOUSING AND HOMELESSNESS MATTERS

**SEC. 201. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM.**

Section 2021(e)(1)(F) is amended by striking ''2009'' and inserting ''2011''.

**SEC. 202. HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM.**

(a) GRANT PROGRAM.—Chapter 20 is amended by inserting after section 2021 the following new section:

**''§ 2021A. Homeless women veterans and homeless veterans with children reintegration grant program**

''(a) GRANTS.—Subject to the availability of appropriations provided for such purpose, the Secretary of Labor shall make grants to programs and facilities that the Secretary determines provide dedicated services for homeless women veterans and homeless veterans with children.

''(b) USE OF FUNDS.—Grants under this section shall be used to provide job training, counseling, placement services (including job readiness and literacy and skills training) and child care services to expedite the reintegration of homeless women veterans and homeless veterans with children into the labor force.

''(c) REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

''(2) Information under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.

''(d) ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

''(e) BIENNIAL REPORT TO CONGRESS.—The Secretary of Labor shall include as part of the report required under section 2021(d) of this title an evaluation of the grant program under this section, which shall include an evaluation of services furnished to veterans under this section and an analysis of the information collected under subsection (c).

''(f) AUTHORIZATION OF APPROPRIATIONS.—(1) In addition to any amount authorized to be appropriated to carry out section 2021 of this title, there is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2011 through 2015.

''(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2021 the following new item:

''2021A. Homeless women veterans and homeless veterans with children reintegration grant program.''.

**SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.**

(a) IN GENERAL.—Chapter 21 is amended by adding at the end the following new section:

**''§ 2108. Specially adapted housing assistive technology grant program**

''(a) AUTHORITY TO MAKE GRANTS.—The Secretary shall make grants to encourage the development of new assistive technologies for specially adapted housing.

''(b) APPLICATION.—A person or entity seeking a grant under this section shall submit to the Secretary an application for the grant in such form and manner as the Secretary shall specify.

''(c) GRANT FUNDS.—(1) Each grant awarded under this section shall be in an amount of not more than $200,000 per fiscal year.

''(2) For each fiscal year in which the Secretary makes a grant under this section, the Secretary shall make the grant by not later than April 1 of that year.

''(d) USE OF FUNDS.—The recipient of a grant under this section shall use the grant to develop assistive technologies for use in specially adapted housing.

''(e) REPORT.—Not later than March 1 of each fiscal year following a fiscal year in which the Secretary makes a grant, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding fiscal year, including—

''(1) the name of the grant recipient;

''(2) the amount of the grant; and

''(3) the goal of the grant.

''(f) FUNDING.—From amounts appropriated to the Department for readjustment benefits for each fiscal year for which the Secretary is authorized to make a grant under this section, $1,000,000 shall be available for that fiscal year for the purposes of the program under this section.

''(g) DURATION.—The authority to make a grant under this section shall begin on October 1, 2011, and shall terminate on September 30, 2016.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2108. Specially adapted housing assistive technology grant program.''.

**SEC. 204. WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE.**

Section 3729(c)(1) is amended by inserting after ''retirement pay'' the following: ''or active service pay''.

## TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

**SEC. 301. RESIDENTIAL AND MOTOR VEHICLE LEASES.**

Subsection (e) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

''(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

''(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

''(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.''.

**SEC. 302. TERMINATION OF TELEPHONE SERVICE CONTRACTS.**

(a) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

**''SEC. 305A. TERMINATION OF TELEPHONE SERVICE CONTRACTS.**

''(a) TERMINATION BY SERVICEMEMBER.—

''(1) TERMINATION.—A servicemember may terminate a contract described in subsection (b) at any time after the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract.

''(2) NOTICE.—In the case that a servicemember terminates a contract as described in paragraph (1), the service provider under the contract shall provide such servicemember with written or electronic notice of the servicemember's rights under such paragraph.

''(3) MANNER OF TERMINATION.—Termination of a contract under paragraph (1) shall be made by delivery of a written or electronic notice of such termination and a copy of the servicemember's military orders to the service provider, delivered in accordance with industry standards for notification of terminations, together with the date on which the service is to be terminated.

''(b) COVERED CONTRACTS.—A contract described in this subsection is a contract for cellular telephone service or telephone exchange service entered into by the servicemember before receiving the military orders referred to in subsection (a)(1).

''(c) RETENTION OF TELEPHONE NUMBER.—In the case of a contract terminated under subsection (a) by a servicemember whose period of relocation is for a period of three years or less, the service provider under the contract shall, notwithstanding any other provision of law, allow the servicemember to keep the telephone number the servicemember has under the contract if the servicemember resubscribes to the service during the 90-day period beginning on the last day of such period of relocation.

''(d) FAMILY PLANS.—In the case of a contract for cellular telephone service entered into by any individual in which a servicemember is a designated beneficiary of the

contract, the individual who entered into the contract may terminate the contract—

''(1) with respect to the servicemember if the servicemember is eligible to terminate contracts pursuant to subsection (a); and

''(2) with respect to all of the designated beneficiaries of such contract if all such beneficiaries accompany the servicemember during the servicemember's period of relocation.

''(e) OTHER OBLIGATIONS AND LIABILITIES.—For any contract terminated under this section, the service provider under the contract may not impose an early termination charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the servicemember. If the servicemember re-subscribes to the service provided under a covered contract during the 90-day period beginning on the last day of the servicemember's period of relocation, the service provider may not impose a charge for reinstating service, other than the usual and customary charges for the installation or acquisition of customer equipment imposed on any other subscriber.

''(f) RETURN OF ADVANCE PAYMENTS.—Not later than 60 days after the effective date of the termination of a contract under this section, the service provider under the contract shall refund to the servicemember any fee or other amount to the extent paid for a period extending until after such date, except for the remainder of the monthly or similar billing period in which the termination occurs.

''(g) DEFINITIONS.—For purposes of this section:

''(1) The term 'cellular telephone service' means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

''(2) The term 'telephone exchange service' has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).''.

(b) TECHNICAL AMENDMENT.—The heading for title III of such Act is amended by inserting ''**, TELEPHONE SERVICE CONTRACTS**'' after ''**LEASES**''.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to title III and inserting the following new item:

''TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES, TELEPHONE SERVICE CONTRACTS''; AND

(2) by striking the item relating to section 305A and inserting the following new item:

''Sec. 305A. Termination of telephone service contracts.''.

**SEC. 303. ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION.**

(a) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

**''TITLE VIII—CIVIL LIABILITY**

**''SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.**

''(a) CIVIL ACTION.—The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

''(1) engages in a pattern or practice of violating this Act; or

''(2) engages in a violation of this Act that raises an issue of significant public importance.

''(b) RELIEF.—In a civil action commenced under subsection (a), the court may—

''(1) grant any appropriate equitable or declaratory relief with respect to the violation of this Act;

''(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

''(3) may, to vindicate the public interest, assess a civil penalty—

''(A) in an amount not exceeding $55,000 for a first violation; and

''(B) in an amount not exceeding $110,000 for any subsequent violation.

''(c) INTERVENTION.—Upon timely application, a person aggrieved by a violation of this Act with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 802 with respect to that violation, along with costs and a reasonable attorney fee.

**''SEC. 802. PRIVATE RIGHT OF ACTION.**

''(a) IN GENERAL.—Any person aggrieved by a violation of this Act may in a civil action—

''(1) obtain any appropriate equitable or declaratory relief with respect to the violation; and

''(2) recover all other appropriate relief, including monetary damages.

''(b) COSTS AND ATTORNEY FEES.—The court may award to a person aggrieved by a violation of this Act who prevails in an action brought under subsection (a) the costs of the action, including a reasonable attorney fee.

**''SEC. 803. PRESERVATION OF REMEDIES.**

''Nothing in section 801 or 802 shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.''.

(b) CONFORMING AMENDMENTS.—Such Act is further amended as follows:

(1) Section 207 (50 U.S.C. App. 527) is amended by striking subsection (f).

(2) Section 301(c) (50 U.S.C. App. 531(c)) is amended to read as follows:

''(c) MISDEMEANOR.—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(3) Section 302(b) (50 U.S.C. App. 532(b)) is amended to read as follows:

''(b) MISDEMEANOR.—A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(4) Section 303(d) (50 U.S.C. App. 533(d)) is amended to read as follows:

''(d) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(5) Section 305(h) (50 U.S.C. App. 535(h)) is amended to read as follows:

''(h) MISDEMEANOR.—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(6) Section 306(e) (50 U.S.C. App. 536(e)) is amended to read as follows:

''(e) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(7) Section 307(c) (50 U.S.C. App. 537(c)) is amended to read as follows:

''(c) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new items:

''TITLE VIII—CIVIL LIABILITY

''Sec. 801. Enforcement by the Attorney General.
''Sec. 802. Private right of action.
''Sec. 803. Preservation of remedies.''.

**TITLE IV—INSURANCE MATTERS**

**SEC. 401. INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.**

(a) IN GENERAL.—Section 1922A(a) is amended by striking ''$20,000'' and inserting ''$30,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

**SEC. 402. PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS.**

(a) EXTENSION.—Section 1968(a) is amended—

(1) in paragraph (1)(A), by striking clause (ii) and inserting the following new clause (ii):

''(ii) The date that is two years after the date of separation or release from such active duty or active duty for training.''; and

(2) in paragraph (4), by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) The date that is two years after the date of separation or release from such assignment.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a person who is separated or released on or after June 15, 2005.

**SEC. 403. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.**

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

''(ii)(I) in the case of a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title, 120 days after separation or release from such assignment; or

''(II) in the case of any other member of the uniformed services, 120 days after the date of the member's separation or release from the uniformed services; or''.

**SEC. 404. OPPORTUNITY TO INCREASE AMOUNT OF VETERANS' GROUP LIFE INSURANCE.**

(a) OPPORTUNITY TO INCREASE AMOUNT.—Section 1977(a) is amended—

(1) in paragraph (1), by inserting ''Except as provided in paragraph (3),'' before ''Veterans' Group Life Insurance shall be''; and

(2) by adding after paragraph (2) the following new paragraph:

''(3) Not more than once in each five-year period beginning on the one-year anniversary of the date a person becomes insured

under Veterans' Group Life Insurance, such person may elect in writing to increase by $25,000 the amount for which the person is insured if—

''(A) the person is under the age of 60; and

''(B) the total amount for which the person is insured does not exceed the amount provided for under section 1967(a)(3)(A)(i) of this title.''.

(b) EFFECTIVE DATE.—Paragraph (3) of section 1977(a) of title 38, United States Code, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act.

**SEC. 405. ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY-ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.**

(a) ELIMINATION OF REDUCTION.—Section 1980(b)(1) is amended by striking ''reduced by'' and all that follows through ''the Secretary''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a payment of an accelerated death benefit under section 1980 of title 38, United States Code, made on or after the date of the enactment of this Act.

**SEC. 406. CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.**

(a) SCHEDULE.—

(1) IN GENERAL.—Section 1980A(d) is amended—

(A) by striking ''Payments under'' and inserting ''(1) Payments under''; and

(B) by adding at the end the following new paragraph:

''(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and of a qualifying loss of a nondominant hand.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2011.

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—To the extent necessary, the Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act, by reason of paragraph (2) of subsection (d) of such section (as added by subsection (a)(1) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term ''qualifying loss'' means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

**SEC. 407. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.**

(a) IN GENERAL.—Section 2106(b) is amended by striking ''$90,000'' and inserting ''$150,000, or after January 1, 2012, $200,000,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

**SEC. 408. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.**

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109–233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking '', if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

## TITLE V—BURIAL AND CEMETERY MATTERS

**SEC. 501. INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.**

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Paragraph (1)(A) of subsection (a) of section 2303 is amended by striking ''$300'' and inserting ''$700 (as increased from time to time under subsection (c))''.

(b) INCREASE IN AMOUNT OF PLOT ALLOWANCES.—Subsection (b) of such section is amended by striking ''$300'' both places it appears and inserting ''$700 (as increased from time to time under subsection (c))''.

(c) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

''(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the maximum amount of burial and funeral expenses payable under subsection (a) and in the maximum amount of the plot or interment allowance payable under subsection (b), equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2011.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2012.—No adjustments shall be made under section 2303(c) of title 38, United States Code, as added by subsection (c), for fiscal year 2012.

**SEC. 502. INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS.**

(a) SHORT TITLE.—This section may be cited as the ''Corey Shea Act''.

(b) INTERMENT OF PARENTS OF CERTAIN DECEASED VETERANS.—Section 2402 is amended—

(1) in the matter preceding paragraph (1), by striking ''Under such regulations'' and inserting ''(a) Under such regulations'';

(2) by moving the margins of paragraphs (1) through (8) two ems to the right;

(3) by inserting after paragraph (8) the following new paragraph:

''(9)(A) The parent of a person described in subparagraph (B), if the Secretary determines that there is available space at the gravesite where the person described in subparagraph (B) is interred.

''(B) A person described in this subparagraph is a person described in paragraph (1) who—

''(i) is a hostile casualty or died from a training-related injury;

''(ii) is interred in a national cemetery; and

''(iii) at the time of the person's parent's death, did not have a spouse, surviving spouse, or child who is buried or who, upon death, may be eligible for burial in a national cemetery pursuant to paragraph (5).''; and

(4) by adding at the end the following new subsection:

''(b) For purposes of subsection (a)(9) of this section:

''(1) The term 'parent' means a biological father or a biological mother or, in the case of adoption, a father through adoption or a mother through adoption.

''(2) The term 'hostile casualty' means a person who, as a member of the Armed Forces, dies as the direct result of hostile action with the enemy, while in combat, while going to or returning from a combat mission if the cause of death was directly related to hostile action, or while hospitalized or undergoing treatment at the expense of the United States for injury incurred during combat, and includes a person killed mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force, but does not include a person who dies due to the elements, a self-inflicted wound, combat fatigue, or a friendly force while the person was in an absent-without-leave, deserter, or dropped-from-rolls status or was voluntarily absent from a place of duty.

''(3) The term 'training-related injury' means an injury incurred by a member of the Armed Forces while performing authorized training activities in preparation for a combat mission.''.

(c) GUIDANCE REQUIRED.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop guidance under which the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), may be designated for interment in a national cemetery under that section.

(d) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE CORRECTION.—Section 107 is amended by striking ''section 2402(8)'' both places it appears and inserting ''section 2402(a)(8)''.

(2) CROSS-REFERENCE CORRECTION.—Section 2301(e) is amended by striking ''section 2402(6)'' and inserting ''section 2402(a)(6)''.

(3) CROSS-REFERENCE CORRECTION.—Section 2306(a) is amended—

(A) in paragraph (2), by striking ''section 2402(4)'' and inserting ''section 2402(a)(4)''; and

(B) in paragraph (4), by striking ''section 2402(5)'' and inserting ''section 2402(a)(5)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death, on or after the date of the enactment of this Act, of the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), who dies on or after October 7, 2001.

**SEC. 503. REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES.**

(a) INITIAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the selection of the sites described in paragraph (2) for the purpose of establishing new national cemeteries.

(2) SITES.—The sites described in this paragraph are the following:

(A) An area in southern Colorado.

(B) An area near Melbourne, Florida, and Daytona, Florida.

(C) An area near Omaha, Nebraska.

(D) An area near Buffalo, New York, and Rochester, New York.

(E) An area near Tallahassee, Florida.

(3) SITE SELECTION.—In carrying out this section, the Secretary shall solicit advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

(4) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A schedule for the establishment of each cemetery at each site described in paragraph (2) and an estimate of the costs associated with the establishment of each such cemetery.

(B) As of the date of the submittal of the report, the amount of funds that are available to establish each cemetery at each site described in paragraph (2) from amounts appropriated to the Department of Veterans Affairs for Advance Planning.

(b) ANNUAL REPORTS.—Not later than two years after the date of the enactment of this Act, and each year thereafter until the date on which each cemetery at each site described in subsection (a)(2) is established, the Secretary shall submit to Congress an annual report that includes updates to the information provided in the report under subsection (a).

## TITLE VI—COMPENSATION AND PENSION

**SEC. 601. ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.**

(a) VETERANS SUFFERING ANATOMICAL LOSS OF HANDS, ARMS, OR LEGS.—Section 1114 is amended—

(1) in subsection (m)—

(A) by striking ''at a level, or with complications,'' and inserting ''with factors''; and

(B) by striking ''at levels, or with complications,'' and inserting ''with factors'';

(2) in subsection (n)—

(A) by striking ''at levels, or with complications,'' and inserting ''with factors'';

(B) by striking ''so near the hip as to'' and inserting ''with factors that''; and

(C) by striking ''so near the shoulder and hip as to'' and inserting ''with factors that''; and

(3) in subsection (o), by striking ''so near the shoulder as to'' and inserting ''with factors that''.

(b) VETERANS WITH SERVICE-CONNECTED DISABILITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (p), by striking the semicolon at the end and inserting a period; and

(B) by adding at the end the following new subsection:

''(t) Subject to section 5503(c) of this title, if any veteran, as the result of service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other residential institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), which for purposes of section 1134 of this title shall be considered as additional compensation payable for disability. An allowance authorized under this subsection shall be paid in lieu of any allowance authorized by subsection (r)(1).''.

(2) CONFORMING AMENDMENT.—Section 5503(c) is amended by striking ''in section 1114(r)'' and inserting ''in subsection (r) or (t) of section 1114''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

**SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.**

Section 1311(f) is amended—

(1) in paragraph (1), by inserting ''(as increased from time to time under paragraph (4))'' after ''$250'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.''.

**SEC. 603. PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999.**

(a) IN GENERAL.—Section 1318(b)(3) is amended by striking ''who died after September 30, 1999,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

**SEC. 604. EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS.**

(a) EXCLUSION.—Section 1503(a) is amended—

(1) by striking ''and'' at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph (11):

''(11) payment of a monetary amount of up to $5,000 to a veteran from a State or municipality that is paid as a veterans' benefit due to injury or disease; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.

**SEC. 605. COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY.**

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Subsection (a) of section 5111 is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in paragraph (1), as so designated by paragraph (1) of this subsection, by striking ''in subsection (c) of this section'' and inserting ''in paragraph (2) and subsection (c)''; and

(3) by adding at the end the following new paragraph:

''(2)(A) In the case of a veteran who is retired or separated from the active military, naval, or air service for a catastrophic disability or disabilities, payment of monetary benefits based on an award of compensation based on an original claim shall be made as of the date on which such award becomes effective as provided under section 5110 of this title or another applicable provision of law.

''(B) For the purposes of this paragraph, the term 'catastrophic disability', with respect to a veteran, means a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2011, and shall apply with respect to awards of compensation based on original claims that become effective on or after that date.

**SEC. 606. APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.**

Section 5503(d)(5) is amended—

(1) by inserting ''(A)'' after ''(5)''; and

(2) by adding at the end the following new subparagraph:

''(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.''.

**SEC. 607. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.**

Section 5503(d)(7) is amended by striking ''September 30, 2011'' and inserting ''May 31, 2015''.

**SEC. 608. CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN.**

(a) DISABLED VETERANS.—Section 1521 of title 38, United States Code, is amended—

(1) in subsection (b), by striking ''$3,550'' and inserting ''$11,830'';

(2) in subsection (c)—

(A) by striking ''$4,651'' and inserting ''$15,493''; and

(B) by striking ''$600'' and inserting ''$2,020'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''$5,680'' and inserting ''$19,736''; and

(B) in paragraph (2)—

(i) by striking ''$6,781'' and inserting ''$23,396''; and

(ii) by striking ''$600'' and inserting ''$2,020'';

(4) in subsection (e)—

(A) by striking ''$4,340'' and inserting ''$14,457'';

(B) by striking ''$5,441'' and inserting ''$18,120''; and

(C) by striking ''$600'' and inserting ''$2,020'';

(5) in subsection (f)—

(A) in paragraph (1), by striking ''$4,651'' and inserting ''$15,493'';

(B) in paragraph (2)—

(i) by striking ''$6,781'' and inserting ''$23,396''; and

(ii) by striking ''$8,911'' and inserting ''$30,480'';

(C) in paragraph (3)—

(i) by striking ''$5,441'' and inserting ''$18,120''; and

(ii) by striking ''$6,231'' and inserting ''$20,747'';

(D) in paragraph (4), by striking ''$7,571'' and inserting ''$26,018''; and

(E) in paragraph (5), by striking ''$600'' and inserting ''$2,020''; and

(6) in subsection (g), by striking ''$800'' and inserting ''$2,686''.

(b) SURVIVING SPOUSES.—Section 1541 of such title is amended—

(1) in subsection (b), by striking ''$2,379'' and inserting ''$7,933'';

(2) in subsection (c)—

(A) by striking ''$3,116'' and inserting ''$10,385''; and

(B) by striking ''$600'' and inserting ''$2,020'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''$3,806'' and inserting ''$12,681''; and

(B) in paragraph (2)—

(i) by striking ''$4,543'' and inserting ''$15,128''; and

(ii) by striking ''$600'' and inserting ''$2,020''; and

(4) in subsection (e)(1)—

(A) by striking ''$2,908'' and inserting ''$9,696'';

(B) by striking ''$3,645'' and inserting ''$12,144''; and

(C) by striking ''$600'' and inserting ''$2,020''.

(c) SURVIVING CHILDREN.—Section 1542 of such title is amended by striking ''$600'' and inserting ''$2,020'' both places it appears.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to pensions paid on or after December 1, 2009.

## TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

### SEC. 701. CLARIFICATION THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 4303(2) is amended by striking ''other than'' and inserting ''including''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

### SEC. 702. CLARIFICATION OF THE DEFINITION OF ''SUCCESSOR IN INTEREST''.

(a) IN GENERAL.—Section 4303(4) is amended by adding at the end the following new subparagraph:

''(D)(i) Whether the term 'successor in interest' applies with respect to an entity described in subparagraph (A) for purposes of clause (iv) of such subparagraph shall be determined on a case-by-case basis using a multi-factor test that considers the following factors:

''(I) Substantial continuity of business operations.

''(II) Use of the same or similar facilities.

''(III) Continuity of work force.

''(IV) Similarity of jobs and working conditions.

''(V) Similarity of supervisory personnel.

''(VI) Similarity of machinery, equipment, and production methods.

''(VII) Similarity of products or services.

''(ii) The entity's lack of notice or awareness of a potential or pending claim under this chapter at the time of a merger, acquisition, or other form of succession shall not be considered when applying the multi-factor test under clause (i).''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

### SEC. 703. TECHNICAL AMENDMENTS.

(a) AMENDMENT TO SECTION 4324 OF TITLE 38, UNITED STATES CODE.—Section 4324(b)(4) is amended by inserting before the period the following: ''declining to initiate an action and represent the person before the Merit Systems Protection Board''.

(b) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—Section 206(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1316(b)) is amended by striking ''under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code'' and inserting ''under section 4323(d) of title 38, United States Code''.

(c) AMENDMENT TO SECTION 416 OF TITLE 3, UNITED STATES CODE.—Section 416(b) of title 3, United States Code, is amended by striking ''under paragraphs (1) and (2)(A) of section 4323(c) of title 38'' and inserting ''under section 4323(d) of title 38''.

## TITLE VIII—BENEFITS MATTERS

### SEC. 801. INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED.

(a) INCREASE.—Section 3120(e) is amended by striking ''2600'' and inserting ''2,700''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after the date of the enactment of this Act.

### SEC. 802. PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS.

(a) IN GENERAL.—Section 3732(a)(2) is amended—

(1) by striking ''Before suit'' and inserting ''(A) Before suit''; and

(2) by adding at the end the following new subparagraph:

''(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obligation the unpaid principal balance of the obligation due, plus accrued interest, as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a housing loan guaranteed after the date of the enactment of this Act.

### SEC. 803. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''the disabilities described in subclause (i), (ii), or (iii) below'' and inserting ''the following disabilities''; and

(B) by adding at the end the following new clause:

''(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subparagraph (B), by striking ''subclause (i), (ii), or (iii) of clause (A) of this paragraph'' and inserting ''clause (i), (ii), (iii), or (iv) of subparagraph (A)''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking ''chapter—'' and inserting ''chapter:'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''means—'' and inserting ''means the following:'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''any veteran'' and inserting ''Any veteran'';

(ii) in each of clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking ''; or'' and inserting a period; and

(C) in subparagraph (B), by striking ''any member'' and inserting ''Any member''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

### SEC. 804. ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS.

(a) INCREASE IN AMOUNT OF ALLOWANCE.—Subsection (a) of section 3902 is amended by striking ''$11,000'' and inserting ''$18,900 (as adjusted from time to time under subsection (e))''.

(b) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

''(e) Effective on October 1 of each year (beginning in 2011), the Secretary shall increase the dollar amount in effect under subsection (a) by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. In the event that such Consumer Price Index does not increase during such period, the Secretary shall maintain the dollar amount in effect under subsection (a) during the previous fiscal year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

### SEC. 805. NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR CHRONIC MULTISYMPTOM ILLNESS IN PERSIAN GULF WAR VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the Institute of Medicine of the National Academies to carry out a comprehensive review of the best treatments for chronic multisymptom illness in Persian Gulf War veterans and an evaluation of how such treatment approaches could best be disseminated throughout the Department of Veterans Affairs to improve the care and benefits provided to veterans.

(b) GROUP OF MEDICAL PROFESSIONALS.—Under any agreement entered into under subsection (a), the Institute of Medicine shall convene a group of medical professionals who are experienced in treating individuals who served as members of the Armed Forces in the Southwest Asia Theater of Operations of the Persian Gulf War during 1990 or 1991 and who have been diagnosed with chronic multisymptom illness or another health condition related to chemical and environmental exposure that may have occurred during such service.

(c) REPORT.—Any agreement entered into under subsection (a) shall require the Institute of Medicine to submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the review and evaluation described in subsection (a) by not later than December 31, 2012. The report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the review.

(d) FUNDING.—Pursuant to any agreement entered into under subsection (a), the Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the review described that subsection.

(e) DEFINITIONS.—For purposes of this section:

(1) The term ''chronic multisymptom illness in Persian Gulf War veterans'' means a

chronic multisymptom illness defined by a cluster of signs or symptoms relating to service in the Persian Gulf War, typically including widespread pain, persistent memory and concentration problems, chronic headaches, gastrointestinal problems, and other abnormalities not explained by well-established diagnoses.

(2) The term ''Persian Gulf War'' has the meaning given that term in section 101(33) of title 38, United States Code.

**SEC. 806. EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST-9/11 GLOBAL OPERATIONS THEATERS.**

(a) REVIEW AND EVALUATION OF AGENTS AND ILLNESSES ASSOCIATED WITH PERSIAN GULF WAR SERVICE.—

(1) EXTENSION OF REVIEW AND EVALUATION.—Subsection (j) of section 1603 of the Persian Gulf War Veterans Act of 1998 (Public Law 105–277; 38 U.S.C. 1117 note), as amended by section 202(d)(2) of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–173; 115 Stat. 989), is amended by striking ''October 1, 2010'' and inserting ''October 1, 2015''.

(2) DISAGGREGATION OF RESULTS BY THEATERS OF OPERATIONS BEFORE AND AFTER SEPTEMBER 11, 2001.—Such section is further amended—

(A) in subsection (c)(1)(A), by striking ''who served in the Southwest Asia theater of operations'' and all that follows and inserting ''who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; and'';

(B) in subsection (g)(1), by striking ''Gulf War service'' and inserting ''service described in subsection (c)(1)(A)'';

(C) in subsection (i)—

(i) in paragraph (1), by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(ii) by redesignating paragraph (5) as paragraph (6); and

(iii) by inserting after paragraph (4) the following new paragraph (5):

''(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

''(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

''(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.''; and

(D) by adding at the end the following new subsection:

''(l) DEFINITIONS.—In this section:

''(1) The term 'Persian Gulf War' has the meaning given that term in section 101(33) of title 38, United States Code.

''(2) The term 'Post-9/11 Global Theater of Operations' means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.''.

(b) REVIEW AND EVALUATION OF AVAILABLE EVIDENCE REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.—

(1) IN GENERAL.—Subsection (j) of section 101 of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3321) is amended by striking ''11 years after'' and all that follows through ''under subsection (b)'' and inserting ''on October 1, 2018''.

(2) DISAGGREGATION OF RESULTS BY THEATERS OF OPERATIONS BEFORE AND AFTER SEPTEMBER 11, 2001.—Such section is further amended—

(A) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by striking ''Gulf war veterans'' and all that follows through ''Persian Gulf War'' and inserting ''veterans who served in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations and the health consequences of exposures to risk factors during such service''; and

(ii) in subparagraph (A), by striking ''who served'' and all that follows through ''such service'' and inserting ''who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations'';

(B) in subsection (e)(1)—

(i) in the matter preceding subparagraph (A), by striking ''Gulf War service or exposure during Gulf War service'' and inserting ''service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations or exposure during such service''; and

(ii) in subparagraphs (E) and (F), by striking ''Gulf War veterans'' each place it appears and inserting ''veterans described in subsection (c)(1)'';

(C) in subsection (f)(1)—

(i) by striking ''service in the Persian Gulf War'' and inserting ''service described in subsection (c)(1)(A)''; and

(ii) by striking ''Gulf War service'' and inserting ''such service'';

(D) in subsection (h), by adding at the end the following new paragraph:

''(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, discussions, and recommendations as described in paragraph (2) shall be submitted separately as follows:

''(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

''(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.'';

(E) in subsection (i)—

(i) in paragraph (2)—

(I) by striking ''Persian Gulf War service'' and inserting ''service described in subsection (c)(1)(A)'';

(II) by striking ''service in the Persian Gulf War'' and inserting ''such service''; and

(III) by striking ''Gulf War veterans'' and inserting ''veterans described in subsection (c)(1)(A)''; and

(ii) by adding at the end the following new paragraph:

''(4) In each report under this subsection submitted after the date of the enactment of this paragraph, any recommendations as described in paragraph (2) shall be submitted separately as follows:

''(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

''(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.''; and

(F) in subsection (k)—

(i) by striking ''In this section, the term'' and inserting the following: ''In this section:

''(1) The term 'Persian Gulf War' has the meaning given that term in section 101(33) of title 38, United States Code.

''(2) The term 'Post-9/11 Global Theater of Operations' means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.

''(3) The term''; and

(ii) in paragraph (3), as designated by clause (i)—

(I) by striking ''vaccine associated with Gulf War service' means'' and inserting ''vaccine', with respect to service described in subsection (c)(1)(A), means''; and

(II) by striking ''service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War'' and inserting ''service described in such subsection (c)(1)(A)''.

(3) CONFORMING AMENDMENT.—Section 1604 of the Persian Gulf War Veterans Act of 1998 (Public Law 105–277; 38 U.S.C. 1117 note) is repealed.

**SEC. 807. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES.**

(a) EXTENSION OF AUTHORITY.—Section 315(b) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives a report on the regional office of the Department of Veterans Affairs in the Republic of the Philippines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the activities of the office described in such paragraph, including activities relating to the administration of benefits provided under laws administered by the Secretary of Veterans Affairs and benefits provided under the Social Security Act (42 U.S.C. 301 et seq.).

(B) An assessment of the costs and benefits of maintaining such office in the Republic of the Philippines in comparison with the costs and benefits of moving the activities of such office to the United States.

**SEC. 808. EXTENSION OF AN ANNUAL REPORT ON EQUITABLE RELIEF.**

Section 503(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2014''.

**SEC. 809. AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.**

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 38 U.S.C. 5101 note), as amended by section 105 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110–389; 122 Stat. 4149) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

## TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

**SEC. 901. AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES.**

The Secretary of Veterans Affairs may carry out the following fiscal year 2011 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for each such location:

(1) Billings, Montana, Community Based Outpatient Clinic, in an amount not to exceed $7,149,000.

(2) Boston, Massachusetts, Outpatient Clinic, in an amount not to exceed $3,316,000.

(3) San Diego, California, Community Based Outpatient Clinic, in an amount not to exceed $21,495,000.

(4) San Francisco, California, Research Lab, in an amount not to exceed $10,055,000.

(5) San Juan, Puerto Rico, Mental Health Facility, in an amount not to exceed $5,323,000.

**SEC. 902. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA.**

Section 801(a)(1) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3442), as amended by section 702(a)(1) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 122 Stat. 4137), is amended by striking ''$625,000,000'' and inserting ''$995,000,000''.

**SEC. 903. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA.**

Section 802(9) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3443) is amended by striking ''$107,845,000'' and inserting ''$117,845,000''.

**SEC. 904. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Construction, Major Projects account $1,112,845,000, of which—

(1) $995,000,000 is for the increased amounts authorized for the project whose authorization is modified by section 902; and

(2) $117,845,000 is for the increased amounts authorized for the project whose authorization is modified by section 903.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Medical Facilities account $47,338,000 for the leases authorized in section 901.

(c) LIMITATIONS.—The projects whose authorizations are modified under sections 902 and 903 may only be carried out using—

(1) funds appropriated for fiscal year 2011 pursuant to the authorization of appropriations in subsection (a) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2011 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2011 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2011 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before 2011 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after 2011 for a category of activity not specific to a project.

**SEC. 905. REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT.**

Section 8104(d) is amended—

(1) by striking ''In any case'' and inserting ''(1) Except as provided in paragraph (2), in any case''; and

(2) by adding at the end the following new paragraph:

''(2)(A) In any fiscal year, unobligated amounts in the Construction, Major Projects account that are a direct result of bid savings from a major medical facility project may only be obligated for major medical facility projects authorized for that fiscal year or a previous fiscal year.

''(B) Whenever the Secretary obligates amounts for a major medical facility under subparagraph (A), the Secretary shall submit to the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives notice of the following:

''(i) The major medical facility project that is the source of the bid savings.

''(ii) The other major medical facility project for which the amounts are being obligated.

''(iii) The amounts being obligated for such other major medical facility project.''.

## TITLE X—OTHER MATTERS

**SEC. 1001. TECHNICAL CORRECTIONS.**

(a) CHAPTER 1.—The table of sections at the beginning of chapter 1 is amended by striking the item relating to section 118 and inserting the following new item:

''118. Submission of reports to Congress in electronic form.''.

(b) CHAPTER 11.—Section 1114(r)(2) is amended by striking ''$$2,983'' and inserting ''$2,983''.

(c) CHAPTER 17.—Chapter 17 is amended as follows:

(1) In each of subparagraphs (A) and (B) of section 1717(a)(2), by striking ''the date of the Caregivers and Veterans Omnibus Health Services Act of 2010'' each place it appears and inserting ''May 5, 2010''.

(2) In section 1785—

(A) by striking ''section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))'' and inserting ''section 2812 of the Public Health Service Act (42 U.S.C. 300hh)''; and

(B) by striking ''paragraph (3)(A) of''.

(d) CHAPTER 19.—Chapter 19 is amended as follows:

(1) In the third sentence of section 1967(a)(3)(B), by striking ''spouse,,'' and inserting ''spouse,''.

(2) In the second sentence of section 1980A(h), by inserting ''section'' before ''1968(a)''.

(e) CHAPTER 20.—Section 2044(e)(3) is amended by striking ''fiscal year'' and inserting ''fiscal years''.

(f) CHAPTER 30.—The table of sections at the beginning of chapter 30 is amended by striking the item relating to section 3020 and inserting the following new item:

''3020. Authority to transfer unused education benefits to family members for career service members.''.

(g) CHAPTER 33.—Chapter 33 is amended as follows:

(1) In section 3313(c)(1), by striking ''higher education'' each place it appears and inserting ''higher learning''

(2) In section 3313(d)(3), by striking ''assistance this chapter'' and inserting ''assistance under this chapter''.

(3) In section 3313(e)(2)(B), by inserting a period at the end.

(4) In section 3316(b)(2), by striking ''supplement'' and inserting ''supplemental''.

(5) In section 3316(b)(3), by striking ''educational payable'' and inserting ''educational assistance payable''.

(6) In section 3318(b)(2)(B), by striking ''higher education'' and inserting ''higher learning''.

(7) In section 3319(b)(2), by striking ''section (k)'' and inserting ''subsection (j)''.

(8) In section 3321(b)(2), by striking ''3312'' and inserting ''section 3312 of this title''.

(h) CHAPTER 35.—Section 3512(a)(6) is amended by striking ''this clause'' and inserting ''this paragraph''.

(i) CHAPTER 36.—Section 3684(a)(1) is amended by striking '',,'' and inserting a comma.

(j) CHAPTER 37.—Section 3733(a)(7) is amended by inserting a comma after ''2003''.

(k) CHAPTER 41.—Section 4102A(b)(8) is amended by striking ''Employment and Training'' and inserting ''Employment, Training''.

(l) CHAPTER 55.—Chapter 55 is amended as follows:

(1) In section 5510, in the second sentence of the matter preceding paragraph (1) by striking ''following: —'' and inserting ''following:''.

(2) In section 5510(9), by striking ''government'' and inserting ''Government''.

(m) CHAPTER 57.—Chapter 57 is amended as follows:

(1) In section 5723(g)(2), by inserting ''the'' before ''Department''.

(2) In section 5727(20), by striking ''subordinate plan defines'' and inserting ''plan that defines''.

(n) CHAPTER 73.—Chapter 73 is amended as follows:

(1) The table of sections at the beginning of such chapter is amended by striking the item relating to section 7333 and inserting the following new item:

''7333. Nondiscrimination against alcohol and drug abusers and persons infected with the human immunodeficiency virus.''.

(2) In section 7325(b)(2), by striking ''section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))'' and inserting ''section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11)''.

(o) CHAPTER 79.—Section 7903(a) is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(p) CHAPTER 81.—Chapter 81 is amended as follows:

(1) In section 8111A(a)(2)(B)(ii)—

(A) by striking ''section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))'' and inserting ''section 2812 of the Public Health Service Act (42 U.S.C. 300hh)''; and

(B) by striking ''paragraph (3)(A) of''.

(2) In section 8117(e)—

(A) in paragraph (1), by striking ''(42 U.S.C. 300hh-11(b))'' and inserting ''(42 U.S.C. 300hh-11)''; and

(B) in paragraph (2), by striking ''(42 U.S.C. 247d-6(a))'' and inserting ''(42 U.S.C. 247d-6)''.

**SEC. 1002. STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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**SA 4672.** Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Amend the title so as to read: ''An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.''.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Do Private Long-Term Disability Policies Provide the Protection They Promise?''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 28, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Restoring Key Tools to Combat Fraud and Corruption After the Supreme Court's Skilling Decision.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 28, 2010 at 2:30 p.m.

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

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 3 p.m., in room 253 of the Russell Senate Office Building.

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

## STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF 2010

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 587, S. 3751.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3751) to amend the Stem Cell Therapeutic and Research Act of 2005.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Stem Cell Therapeutic and Research Reauthorization Act of 2010''.*

***SEC. 2. AMENDMENTS TO THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005.***

*(a) CORD BLOOD INVENTORY.—Section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended—*

*(1) in subsection (a), by inserting ''the inventory goal of at least'' before ''150,000'';*

*(2) in subsection (c)—*

*(A) in paragraph (2), by striking ''or is transferred'' and all that follows through the period and inserting ''for a first-degree relative.''; and*

*(B) in paragraph (3), by striking ''150,000'';*

*(3) in subsection (d)—*

*(A) in paragraph (1), by inserting ''beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section'' after ''10 years'';*

*(B) in paragraph (2), by striking ''; and'' and inserting '';'';*

*(C) by redesignating paragraph (3) as paragraph (5); and*

*(D) by inserting after paragraph (2) the following:*

*''(3) will provide a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites, or contract with new collection sites;*

*''(4) will annually provide to the Secretary a plan for, and demonstrate, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations; and'';*

*(4) in subsection (e)—*

*(A) in paragraph (1)—*

*(i) by striking ''10 years'' and inserting ''a period of at least 10 years beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section''; and*

*(ii) by striking the second sentence and inserting ''The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the date that is 5 years after the date on which the contract is entered into, except as provided in paragraphs (2) and (3).'';*

*(B) in paragraph (2)—*

*(i) in the matter preceding subparagraph (A)—*

*(I) by striking ''Subject to paragraph (1)(B), the'' and inserting ''The''; and*

*(II) by striking ''3'' and inserting ''5'';*

*(ii) in subparagraph (A) by striking ''150,000'' and all that follows through ''and'' at the end and inserting ''the inventory goal described in subsection (a) has not yet been met;'';*

*(iii) in subparagraph (B)—*

*(I) by inserting ''meeting the requirements under subsection (d)'' after ''receive an application for a contract under this section''; and*

*(II) by striking ''or the Secretary'' and all that follows through the period at the end and inserting ''; or''; and*

*(iv) by adding at the end the following:*

*''(C) the Secretary determines that the outstanding inventory need cannot be met by the qualified cord blood banks under contract under this section.''; and*

*(C) by striking paragraph (3) and inserting the following:*

*''(3) EXTENSION ELIGIBILITY.—A qualified cord blood bank shall be eligible for a 5-year extension of a contract awarded under this section, as described in paragraph (2), provided that the qualified cord blood bank—*

*''(A) demonstrates a superior ability to satisfy the requirements described in subsection (b) and achieves the overall goals for which the contract was awarded;*

*''(B) provides a plan for how the qualified cord blood bank will increase cord blood unit collections at collection sites that exist at the time of consideration for such extension of a contract, assist with the establishment of new collection sites, or contract with new collection sites; and*

*''(C) annually provides to the Secretary a plan for, and demonstrates, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations.'';*

*(5) in subsection (g)(4), by striking ''or parent''; and*

*(6) in subsection (h)—*

*(A) by striking paragraphs (1) and (2) and inserting the following:*

*''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this section $23,000,000 for each of fiscal years 2011 through 2014 and $20,000,000 for fiscal year 2015.'';*

*(B) by redesignating paragraph (3) as paragraph (2); and*

*(C) in paragraph (2), as so redesignated, by striking ''in each of fiscal years 2007 through 2009'' and inserting ''for each of fiscal years 2011 through 2015''.*

*(b) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—*

*(1) by striking subsection (a)(6) and inserting the following:*

*''(6) The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit to Congress an annual report on the activities carried out under this section.'';*

*(2) in subsection (d)—*

*(A) in paragraph (2)—*

*(i) in the matter preceding subparagraph (A), by striking ''With respect to cord blood, the Program shall—'' and inserting the following:*

*''(A) IN GENERAL.—With respect to cord blood, the Program shall—'';*

*(ii) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii) respectively;*

*(iii) by striking clause (iv), as so redesignated, and inserting the following:*

*''(iv) support and expand new and existing studies and demonstration and outreach projects for the purpose of increasing cord blood unit donation and collection from a genetically diverse population and expanding the number of cord blood unit collection sites partnering with cord blood banks receiving a contract under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005, including such studies and projects that focus on—*

*''(I) remote collection of cord blood units, consistent with the requirements under the Program and the National Cord Blood Inventory program goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005; and*

*''(II) exploring novel approaches or incentives to encourage innovative technological advances that could be used to collect cord blood units, consistent with the requirements under the Program and such National Cord Blood Inventory program goal;''; and*

*(iv) by adding at the end the following:*

*''(B) EFFORTS TO INCREASE COLLECTION OF HIGH QUALITY CORD BLOOD UNITS.—In carrying out subparagraph (A)(iv), not later than 1 year after the date of enactment of the Stem Cell Therapeutic and Research Reauthorization Act of 2010 and annually thereafter, the Secretary shall set an annual goal of increasing collections of high quality cord blood units, consistent with the inventory goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005 (referred to in this subparagraph as the 'inventory goal'), and shall identify at least one project under subparagraph (A)(iv) to replicate and expand nationwide, as appropriate. If the Secretary cannot identify a project as described in the preceding sentence, the Secretary shall submit a plan, not later than 180 days after the date on which the Secretary was required to identify such a project, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives for expanding remote collection of high quality cord blood units, consistent with the requirements under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and the inventory goal. Each such plan shall be made available to the public.*

*''(C) DEFINITION.—In this paragraph, the term 'remote collection' means the collection of cord blood units at locations that do not have written contracts with cord blood banks for collection support.''; and*

*(B) in paragraph (3)(A), by striking ''(2)(A)'' and inserting ''(2)(A)(i)''; and*

*(3) by striking subsection (f)(5)(A) and inserting the following:*

*''(A) require the establishment of a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with Federal and State law; and''.*

*(c) ADDITIONAL REPORTS.—*

*(1) INTERIM REPORT.—In addition to the annual report required under section 379(a)(6) of the Public Health Service Act (42 U.S.C. 274k(a)(6)), the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary''), in consultation with the Advisory Council established under such section 379, shall submit to Congress an interim report not later than 180 days after the date of enactment of this Act describing—*

*(A) the methods to distribute Federal funds to cord blood banks used at the time of submission of the report;*

*(B) how cord blood banks contract with collection sites for the collection of cord blood units; and*

*(C) recommendations for improving the methods to distribute Federal funds described in subparagraph (A) in order to encourage the efficient collection of high-quality and diverse cord blood units.*

*(2) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Advisory Council shall submit recommendations to the Secretary with respect to—*

*(A) whether models for remote collection of cord blood units should be allowed only with limited, scientifically-justified safety protections; and*

*(B) whether the Secretary should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended by striking ''$34,000,000'' and all that follows through the period at the end, and inserting ''$30,000,000 for each of fiscal years 2011 through 2014 and $33,000,000 for fiscal year 2015.''.*

*(e) REPORT ON CORD BLOOD UNIT DONATION AND COLLECTION.—*

*(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Secretary of Health and Human Services a report reviewing studies, demonstration programs, and outreach efforts for the purpose of increasing cord blood unit donation and collection for the National Cord Blood Inventory to ensure a high-quality and genetically diverse inventory of cord blood units.*

*(2) CONTENTS.—The report described in paragraph (1) shall include a review of such studies, demonstration programs, and outreach efforts under section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) (as amended by this Act) and section 379 of the Public Health Service Act (42 U.S.C. 274k) (as amended by this Act), including—*

*(A) a description of the challenges and barriers to expanding the number of cord blood unit collection sites, including cost, the cash flow requirements and operations of awarding contracts, the methods by which funds are distributed through contracts, the impact of regulatory and administrative requirements, and the capacity of cord blood banks to maintain high-quality units;*

*(B) remote collection or other innovative technological advances that could be used to collect cord blood units;*

*(C) appropriate methods for improving provider education about collecting cord blood units for the national inventory and participation in such collection activities;*

*(D) estimates of the number of cord blood unit collection sites necessary to meet the outstanding national inventory need and the characteristics of such collection sites that would help increase the genetic diversity and enhance the quality of cord blood units collected;*

*(E) best practices for establishing and sustaining partnerships for cord blood unit collection at medical facilities with a high number of minority births;*

*(F) potential and proven incentives to encourage hospitals to become cord blood unit collection sites and partner with cord blood banks participating in the National Cord Blood Inventory under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and to assist cord blood banks in expanding the number of cord blood unit collection sites with which such cord blood banks partner;*

*(G) recommendations about methods cord blood banks and collection sites could use to lower costs and improve efficiency of cord blood unit collection without decreasing the quality of the cord blood units collected; and*

*(H) a description of the methods used prior to the date of enactment of this Act to distribute funds to cord blood banks and recommendations for how to improve such methods to encourage the efficient collection of high-quality and diverse cord blood units, consistent with the requirements of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005.*

*(f) DEFINITION.—In this Act, the term ''remote collection'' has the meaning given such term in section 379(d)(2)(C) of the Public Health Service Act.*

Mr. REED. Mr. President, today the Senate passed the Stem Cell Therapeutic and Research Reauthorization Act of 2010. I was pleased to have been involved in the crafting of this bill, which is the product of months of bipartisan discussions, collaboration, and negotiation. I also want to recognize the hard work and dedication of Senators DODD, HATCH, BURR, and ENSIGN in getting this bill across the finish line in the Senate.

This bill offers promise to the tens of thousands of individuals diagnosed with leukemia and lymphomas, sickle cell anemia, and rare genetic blood disorders.

It will reauthorize the C.W. Bill Young National Marrow Donor Program, which has been helping to connect individuals in need of a bone marrow transplant with donors since 1986, and the National Cord Blood Inventory, which has been helping to connect individuals in need of an umbilical cord blood transplant with donors since 1999.

I am particularly pleased that the bill will remove a cap on the number of cord blood units that could be stored by qualified cord blood banks in the National Cord Blood Inventory. The original law limited the number to 150,000 units. As the science has evolved, we know that 150,000 is nowhere near the amount necessary to meet the demands of those in need of a cord blood transplant. And, in eliminating this cap, I am pleased that we have included provisions to encourage greater cord blood donation and collection as well as provisions to help shed light onto the obstacles to greater donation and collection.

I am proud that the Rhode Island Blood Center has contributed to the success of the National Marrow Donor Program with over 61,000 registered marrow donors. In addition, last year a new partnership formed between the Rhode Island Blood Bank and Women and Infants Hospital in Providence, RI, to begin collecting umbilical cord blood units as part of a pilot project. Over 1,000 units have already been collected, and I look forward to the time when Rhode Island will be contributing to the National Cord Blood Inventory.

The public registries made up of Rhode Island donors and those from all over the country have been a true lifeline for the Americans who have found an unrelated match. By strengthening and enhancing the important programs operating these registries, many more

Americans will be afforded the opportunity to find a match if they are ever in need.

I look forward to swift passage of this legislation in the House of Representatives and the President signing this bill into law shortly thereafter.

Mr. HATCH. Mr. President, I am pleased that the Senate is considering S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act of 2010 which reauthorizes the Stem Cell Therapeutic and Research Act of 2005—P.L. 109–129—through the end of 2015. I am also grateful that Senators DODD, BURR, REED, ENSIGN, FRANKEN and COBURN have joined me as sponsors of this bipartisan bill, which was unanimously approved by the Senate Committee on Health, Education, Labor and Pensions and the House Energy and Commerce Committee last week.

S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act, reauthorizes the C.W. Bill Young Cell Transplantation Program—the Program—and the National Cord Blood Inventory program—NCBI. These programs maintain donor registries for individuals in need of bone marrow and umbilical cord blood transplants. Today, more than eight million Americans are registered bone marrow donors, and in the 5 years since NCBI was established, more than 28,600 cord blood units have been collected. Cord blood transplantation accounts for over 40 percent of all transplants in the country.

I believe it is important for Senators to understand the specifics of S. 3751. Our bill reauthorizes the program through the end of Fiscal Year 2015. The authorization levels for the Program are $30 million from FY11 through FY14 and $33 million in FY15. The NCBI authorization levels are $23 million from FY11 through FY14 and $20 million in FY15. The total authorization level for both programs combined is $53 million annually, which is the same authorization level included in the Stem Cell Therapeutic and Research Act of 2005.

Our bill calls for the collection and maintenance of at least 150,000 high-quality cord blood units. In order to collect high-quality and diverse units, the Health Resources and Services Administration—HRSA—contracts with cord blood banks to collect and maintain umbilical cord blood units for the national inventory. To achieve the goal of collecting at least 150,000 units, S. 3751 requires cord blood banks to provide a strategic plan to increase collection, assist with the creation of new collection sites, or contract with new collection sites when first applying for a contract or extending an existing contract. S. 3751 also requires cord blood banks to submit an annual plan for achieving self-sufficiency and demonstrates on-going measurable progress toward achieving self-sufficiency of cord blood collection and banking operations. The bill also extends the duration of a contract from 3 to 5 years and allows cord blood units to remain part of the national inventory for at least 10 years.

Additionally, S. 3751 redefines the term ''first-degree relative'' as a sibling of an individual requiring a transplant. Children are not a match for parents in need of a cord blood transplant, as the original law suggested. The bill also aligns the privacy protections provided to bone marrow donors and patients with umbilical cord blood donors and transplant patients.

The legislation encourages the Program to support studies and demonstration projects to increase cord blood donation and collection. More specifically, S. 3751 directs the Secretary of Health and Human Services—HHS, acting though the HRSA Administrator, to submit to Congress an annual report on the National Program's activities including novel approaches for increasing cord blood unit donation and collection. The HHS Secretary also is directed to set an annual goal of increasing collections of high-quality and diverse cord blood units through remote collection or other approaches. In addition, S. 3751 directs the HHS Secretary to identify at least one of these approaches to replicate and expand across the country. If a project is not identified, the HHS Secretary shall submit a plan for expanding remote collection of high-quality and diverse cord blood units.

S. 3751 requires the HHS Secretary, in consultation with the Advisory Council, to submit to Congress an interim report within 6 months after enactment, describing existing methods used to distribute Federal funds to cord blood banks. The report also would explain how cord blood banks contract with cord blood unit collection sites and recommend how these methods may be improved in order to encourage efficient collection of high-quality and diverse cord blood units.

Our legislation also requires the Advisory Council to submit recommendations to the HHS Secretary 1 year after enactment on whether remote models for cord blood unit collection should be allowed with only limited, scientifically justified safety protections. The Advisory Council would also make recommendations on whether HHS should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

Finally, S. 3751 requires the Government Accountability Office—GAO—to study existing cord blood donation and collection methods and the barriers responsible for limiting donation and collection. GAO also would analyze the methods used to distribute funds to cord blood banks and novel approaches to grow the NCBI.

S. 3751 proves that contrary to popular belief, bipartisanship still exists in the United States Congress. The original Stem Cell Therapeutic and Research Act passed Congress unanimously and became law—P.L 109–129—on December 20, 2005. This law offered a unique opportunity to assist those suffering from a serious illness requiring cord blood or bone marrow transplants. In 2005, our goal was to increase the number of bone marrow and cord blood donors to meet our goal of 150,000 high-quality and diverse cord blood units. Today, our goal remains the same except we are encouraging the collection of at least 150,000 units. The sponsors of this legislation want to do everything in our power to provide patients with the best transplant options and signing this legislation into law is how we achieve this second goal. Transplant patients and their families deserve nothing less.

S. 3751 is supported by the following organizations: American Society of Bone Marrow Transplant, Aplastic Anemia and MDS Society, Center for International Blood and Marrow Transplantation, Colorado Cord Blood Bank, Duke University Cord Blood Bank, Intermountain Primary Children's Hospital, Jeff Gordon Foundation, Leukemia and Lymphoma Foundation, LifeCord Cord Blood Bank, National Marrow Donor Program, Nevada Cancer Institute, New Jersey Cord Blood Bank, New York Blood Center Cord Blood Bank, Rhode Island Blood Center, St. Louis Cord Blood Bank, StemCyte International Cord Blood Bank, University of Utah's Cell Therapy Facility, Villanova football head coach Andy Talley, and Yale University Hospital.

Finally, I ask unanimous consent to have printed in the RECORD the section by section analysis of S. 3751.

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

SEC. 1. SHORT TITLE

Stem Cell Therapeutic and Research Reauthorization Act of 2010.

SEC. 2. AMENDMENTS TO THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

(a) Instructs the Secretary of Health and Human Services (HHS) to enter into contracts with qualified cord blood banks in order to create and maintain a national inventory of at least 150,000 new high quality cord blood units suitable for transplantation into unrelated recipients. The 2005 law authorized a 3-year demonstration project to collect umbilical cord blood units specifically for use in a first-degree relative. The law instructed these units to be combined with the national inventory at the end of the 3-year demo. Since the FDA follows different collection and storage requirements for cord blood units intended for use in a first-degree relative and a stranger, the substitute amendment eliminates this instruction and requires the units collected for the demonstration program only be stored for use in a first-degree relative.

Includes additional requirements for entities applying to be qualified cord blood banks. First, the entity must provide a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites or contract with new collection sites. Second, contract recipients must annually provide to the HHS Secretary

a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Extends the length of a cord blood bank contract from three years to five years. A five year extension of cord blood contracts will be permitted if such entities: (1) demonstrate a superior ability to satisfy the requirements included in the original statute to be federal cord blood banks; (2) provide a plan for increasing cord blood unit collections at collection sites that exist at the time of consideration of such extension, assist with the establishment of new collection sites, or contract with new collection sites; and (3) annually provide to the HHS Secretary a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Redefines the term, ''first-degree relative'' as a sibling of the individual requiring a transplant. Authorizes appropriations for the National Cord Blood Inventory Program (NCBI) at $23 million in fiscal years 2011–2014 and $20 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is overridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

(b) Clarifies that the C.W. Bill Young Cell Transplantation Program, known as the Program, shall support studies and outreach projects to increase cord collection donation and collection from a genetically diverse population, including exploring novel approaches or incentives, such as remote or other innovative technological advances that could be used to collect cord blood units, to expand the number of cord blood collection sites partnering with cord blood banks that receive a contract under the NCBI program.

Directs the Secretary, acting though the Administrator of the Health Resources and Services Administration, to submit to Congress an annual report on activities conducted through the National Program including novel approaches for the purpose of increasing cord blood unit donation and collection. Directs the Secretary to set an annual goal of increasing collections of high quality cord blood units through remote collection or other novel approaches. The Secretary shall identify at least one of these approaches to replicate and expand nationwide as appropriate. If such a project cannot be identified by the Secretary, then the Secretary shall submit a plan for expanding remote collection of high quality cord blood units. Remote collection is defined as cord blood unit collections occurring at locations that do not hold written contracts with existing cord blood banks for collection support.

Requires the Secretary, in consultation with the Advisory Council, to submit to Congress an interim report not later than 6 months after date of enactment, describing the existing methods used to distribute federal funds to cord blood banks; how cord blood banks contract with collection sites for the collection of cord blood units; and recommendations to improve these methods to encourage the efficient collection of high quality and diverse cord blood units.

Requires the Advisory Council shall submit recommendations to the Secretary one year after enactment about whether:

1. remote models for cord blood unit collection should be allowed with only limited, scientifically justified safety protections; and

2. HHS should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

Authorizes appropriations for the C.W. Bill Young Cell Transplantation Program (the Program) at $30 million in fiscal years 2011–2014 and $33 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is overridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

Directs the Government Accountability Office (GAO) to submit a report on cord blood unit donation and collection as well as methods used to distribute funds to cord blood banks no later than one year after enactment. The report shall be submitted to the Senate Committee on Health, Education, Labor and Pensions, the Senate Committee on Appropriations, the House Energy and Commerce Committee and the House Committee on Appropriations.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3751), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## VIETNAM VETERANS MEMORIAL VISITOR CENTER

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, H.R. 3689.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3689) to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 3689) was ordered to a third reading, was read the third time, and passed.

## PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be discharged from further consideration of H.R. 5566, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass the Animal Crush Video Prohibition Act. In doing so, we have taken this important step toward banning obscene animal crush videos, and I thank Senators KYL, MERKLEY and BURR for their leadership on this issue. We worked on a bipartisan basis to ensure that this legislation respects the first amendment and the role of our court system, while at the same time giving law enforcement a valuable and necessary tool to stop obscene animal cruelty. I urge the House to quickly adopt the legislation.

Earlier this year, in United States v. Stevens, the Supreme Court struck down a Federal statute banning depictions of animal cruelty because it held the statute to be overbroad and in violation of the first amendment. Animal crush videos, which can depict obscene, extreme acts of animal cruelty, were a primary target of that legislation.

Two months ago, in response to the Stevens decision, the House overwhelmingly passed a narrower bill banning animal crush videos on obscenity grounds. The Senate Judiciary Committee regularly looks at questions raised by Supreme Court decisions and the first amendment, and the House-passed bill was referred to the Senate Judiciary Committee for consideration.

There are a few well-established exceptions to the first amendment. The United States has long prohibited the interstate sale of obscene materials, and the Supreme Court recognized this exception to the first amendment in 1957. Earlier this month, the Judiciary Committee held a hearing focused on the obscene nature of many animal crush videos. We heard testimony from experts who confirmed that many animal crush videos depict extreme acts of animal cruelty which are designed to appeal to a specific, prurient, sexual fetish. Indeed, these animal crush videos are patently offensive, lack any redeeming social value, and can be banned consistent with the Supreme Court's obscenity jurisprudence. In drafting the substitute amendment to the House bill, we were careful to respect the role that courts and juries play in determining obscenity. In any given case, it will be up to the prosecutor to prove and the jury to determine whether a given depiction is obscene, because obscenity is a separate element of the crime. The other element that occurs in animal crush videos and which warrants a higher punishment than simple obscenity is that

it involves the intentional torture or pain to a living animal. Congress finds this combination deplorable and worthy of special punishment. That is why the maximum penalty is higher than general obscenity law.

The United States also has a history of prohibiting speech that is integral to criminal conduct. The acts of animal cruelty depicted in many animal crush videos violate State laws, but these laws are hard to enforce. The acts of cruelty are often committed in a clandestine manner that allows the perpetrators to remain anonymous. The nature of the videos also makes it extraordinarily difficult to establish the jurisdiction necessary to prosecute the crimes. Given the severe difficulties that State law enforcement agencies have encountered in attempting to investigate and prosecute the underlying conduct, reaffirming Congress's commitment to closing the distribution network for obscene animal crush videos is an effective means of combating the crimes of extreme animal cruelty that they depict.

I have long been a champion of first amendment rights. As the son of Vermont printers, I know firsthand that the freedom of speech is the cornerstone of our democracy. This is why I have worked hard to pass legislation such as the SPEECH Act, which protects American authors, journalists and publishers from foreign libel lawsuits that undermine the first amendment.

Today the Senate struck the right balance between the first amendment and the needs of law enforcement, while adhering to the separation of powers enshrined in our Constitution. I commend the bipartisan coalition that worked hard, alongside the Humane Society and first amendment experts, to strike this balance, and I look forward to the time when obscene animal crush videos no longer threaten animal welfare.

Mr. DURBIN. Mr. President, I ask unanimous consent the substitute at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the measure be printed in the RECORD.

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

The amendment (No. 4668) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Animal Crush Video Prohibition Act of 2010''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as ''animal crush videos''.

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

(A) appeal to the prurient interest in sex;

(B) are patently offensive; and

(C) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(A) allows the perpetrators of such crimes to remain anonymous;

(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

(C) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

**SEC. 3. ANIMAL CRUSH VIDEOS.**

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

**''§ 48. Animal crush videos**

''(a) DEFINITION.—In this section the term 'animal crush video' means any photograph, motion-picture film, video or digital recording, or electronic image that—

''(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242); and

''(2) is obscene.

''(b) PROHIBITIONS.—

''(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, or to attempt or conspire to do so, if—

''(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

''(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

''(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce, or to attempt or conspire to do so.

''(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, or any attempt or conspiracy to do so, if—

''(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

''(2) the animal crush video is transported into the United States or its territories or possessions.''

''(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

''(e) EXCEPTIONS.—

''(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

''(A) customary and normal veterinary or agricultural husbandry practices;

''(B) the slaughter of animals for food; or

''(C) hunting, trapping, or fishing.

''(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

''(A) a law enforcement agency; or

''(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

''(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.''.

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

''48. Animal crush videos.''.

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected thereby.

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 5566), as amended, was read the third time and passed.

## ANTI-BORDER CORRUPTION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 619, S. 3243.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3243) to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

[Omit the part in boldface brackets]

S. 3243

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Anti-Border Corruption Act of 2010''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) According to the Office of the Inspector General of the Department of Homeland Security, since 2003, 129 U.S. Customs and Border Protection officials have been arrested on corruption charges and, during 2009, 576 investigations were opened on allegations of improper conduct by U.S. Customs and Border Protection officials.

(2) To foster integrity in the workplace, established policy of U.S. Customs and Border Protection calls for—

(A) all job applicants for law enforcement positions at U.S. Customs and Border Protection to receive a polygraph examination and a background investigation before being offered employment; and

(B) relevant employees to receive a periodic background reinvestigation every 5 years.

(3) According to the Office of Internal Affairs of U.S. Customs and Border Protection—

(A) in 2009, less than 15 percent of applicants for jobs with U.S. Customs and Border Protection received polygraph examinations;

(B) as of March 2010, U.S. Customs and Border Protection had a backlog of approximately 10,000 periodic background reinvestigations of existing employees; and

(C) without additional resources, by the end of fiscal year 2010, the backlog of periodic background reinvestigations will increase to approximately 19,000.

**SEC. 3. REQUIREMENTS WITH RESPECT TO ADMINISTERING POLYGRAPH EXAMINATIONS TO LAW ENFORCEMENT PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.**

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after the date of the enactment of this Act, all applicants for law enforcement positions with U.S. Customs and Border Protection receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after the date of the enactment of this Act, U.S. Customs and Border Protection initiates ⟦or completes⟧ all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before the date of the enactment of this Act.

**SEC. 4. PROGRESS REPORT.**

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through the date that is 2 years after such date of enactment, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress made by U.S. Customs and Border Protection toward complying with section 3.

Amend the title so as to read: ''To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.''.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table, without intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 3243) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment was agreed to, as follows:

A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

## SOCIAL SECURITY NUMBER PROTECTION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Finance Committee be discharged from S. 3789 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3789) to limit access to social security account numbers.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the measure be printed in the RECORD.

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

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3789

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Social Security Number Protection Act of 2010''.

**SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.**

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

''(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (a)) is amended by adding at the end the following:

''(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

## CLARIFYING AUTHORITY OF THE SECRETARY OF THE INTERIOR

Mr. DURBIN. I ask unanimous consent that the Energy Committee be discharged from H.R. 3940, and the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3940) to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for people of the non-self-governing territories of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the Bingaman substitute amendment, which is at the desk, be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the title amendment at the desk be considered and agreed to; and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 4669) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SENSE OF CONGRESS REGARDING POLITICAL STATUS EDUCATION IN GUAM.**

It is the sense of Congress that the Secretary of the Interior may provide technical assistance to the Government of Guam under section 601(a) of the Act entitled ''An Act to authorize appropriations for certain insular areas of the United States, and for other purposes'', approved December 24, 1980 (48 U.S.C. 1469d(a)), for public education regarding political status options only if the political

status options are consistent with the Constitution of the United States.

**SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

(a) DELAYED EFFECTIVE DATE.—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of division D of Public Law 111–117) is amended—

(1) in paragraph (1)(B), by inserting ''(except 2011 when there shall be no increase)'' after ''thereafter'' the second place it appears; and

(2) in paragraph (2)(C), by striking ''except that, beginning in 2010'' and inserting ''except that there shall be no such increase in 2010 or 2011 and, beginning in 2012''.

(b) GAO REPORT.—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) REPORT.—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report of its findings. The Government Accountability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage.''; and

(2) by redesignating subsection (c) as subsection (b).

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 3940), as amended, was read the third time and passed.

The amendment (No. 4670) was agreed to, as follows:

Amend the title so as to read: ''To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.''.

## FIVE-STAR GENERALS COMMEMORATIVE COIN ACT

Mr. DURBIN. I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 1177, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1177) to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-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, and so forth.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 1177) was ordered to be read a third time, was read the third time, and passed.

## VETERANS' INSURANCE AND HEALTH CARE IMPROVEMENTS ACT

Mr. DURBIN. I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 3219, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on H.R. 3219, the proposed ''Veterans' Benefits Act of 2010.'' The bill, as it comes before the Senate, is a compromise agreement developed with our counterparts on the House Committee on Veterans' Affairs. I thank Chairman FILNER and Ranking Member BUYER of the House Committee for their cooperation on this legislation. I also thank my good friend, the committee's ranking member, Senator BURR, for his cooperation as we have developed this bill. A full explanation of the Senate and House negotiated agreement can be found in the Joint Explanatory Statement, which I will ask be printed in the RECORD at the conclusion of my remarks.

The amended bill, which I will refer to as the ''compromise agreement,'' contains ten titles that are designed to enhance compensation, housing, labor and education, burial, and insurance benefits for veterans. I will highlight a few of the provisions.

The compromise agreement would make several important improvements in insurance programs for disabled veterans. It would increase the maximum amount of veterans' mortgage life insurance that a service-connected disabled veteran may purchase from the current maximum of $90,000 up to $200,000. In the event of the veteran's death, the veteran's family would be protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased. The need for this increase is obvious in today's housing market.

In addition, this legislation would increase the amount of supplemental life insurance available to totally disabled veterans from $20,000 to $30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation would provide these veterans with a reasonable amount of life insurance coverage.

This benefits package also includes a provision that will expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers' Group Life Insurance program, commonly referred to as TSGLI. Section 1032 of Public Law 109–13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, established traumatic injury protection under the SGLI program. TSGLI went into effect on December 1, 2005. Therefore, all insured servicemembers under SGLI from that point forward are also insured under TSGLI and their injuries are covered regardless of where they occur. In order to provide assistance to those servicemembers who suffered traumatic injuries on or between October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of the Supplemental Appropriations Act to individuals whose qualifying losses were sustained ''as a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.'' Under section 501(b) of Public Law 109–233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained ''as a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom.''

However, without corrective action, men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the OIF or OEF theaters of operation, will continue to be denied the same retroactive payment given to their wounded comrades. This legislation would correct that inequity.

This bill also modifies programs that provide adaptive assistance to veterans. It would increase and provide an index for an existing VA grant program, which provides funds to assist severely disabled veterans in purchasing automobiles or other conveyances that can accommodate their disabilities. The increase to $18,900 would help prevent erosion of the value and effectiveness of this benefit.

Another provision included in this bill would expand this grant program to provide automobile and adaptive equipment assistance to disabled veterans and servicemembers with severe burn injuries. Due to the severe damage done to their skin, individuals with these disabilities experience difficulty operating a standard automobile not equipped to accommodate their disabilities. This legislation would help them obtain vehicles with special adaptations for assistance in and out of the vehicle, seat comfort, and climate control.

Another key part of this legislation is a provision to help homeless women veterans and homeless veterans with children. The majority of programs and service providers currently available to homeless veterans have historically

been designed to assist male veterans. However, due to the increasing number of women serving in the Armed Forces, more than 5 percent of veterans requesting assistance from VA and community-based homeless veteran service providers are women. More than 10 percent of these women have dependent children. In addition, there are reports of a significant number of male homeless veterans who have dependent children as well. To meet these changing needs of our Nation's veterans and correct this inequity, this bill will establish a grant program for the reintegration of homeless women veterans and homeless veterans with children into the labor force.

This bill would also increase to 2,700 the number of veterans who are authorized to enroll annually in a program of independent living services. This important program is designed to meet the needs of the most severely service-connected disabled veterans and more of those returning from combat have suffered the kind of devastating injuries that may make employment not reasonably feasible for extended periods of time.

This is not a comprehensive recitation of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America's veterans and servicemembers. I urge our colleagues to support this important legislation that would benefit many of this Nation's more than 23 million veterans and their families. I also urge the House of Representatives to work on this matter expeditiously so that this may be sent to the President for his signature.

Mr. President, I ask unanimous consent that the Joint Explanatory Statement, which was developed with our colleagues in the House, be printed in the RECORD.

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

JOINT EXPLANATORY STATEMENT FOR H.R. 3219, AS AMENDED

H.R. 3219, as amended, the Veterans' Benefits Act of 2010, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 174; H.R. 466, as amended; H.R. 1037, as amended; H.R. 1088; H.R. 1089, as amended; H.R. 1168, as amended; H.R. 1170, as amended; H.R. 1171, as amended; H.R. 1172, as amended; H.R. 2180; H.R. 3219, as amended; H.R. 3949, as amended; H.R. 4592, as amended (House Bills); and S. 728, as amended; S. 1237, as reported; and S. 3609 (Senate Bills).

H.R. 174 passed the House on November 2, 2009; H.R. 466, as amended, passed the House on June 8, 2009; H.R. 1037, as amended, passed the House on July 14, 2009; H.R. 1088 passed the House on May 19, 2009; H.R. 1089, as amended, passed the House on May 19, 2009; H.R. 1168, as amended, passed the House on November 2, 2009; H.R. 1170, as amended, passed the House on May 19, 2009; H.R. 1171, as amended, passed the House on March 30, 2009; H.R. 1172, as amended, passed the House on June 23, 2009; H.R. 3219, as amended, passed the House on July 27, 2009; H.R. 3949, as amended, passed the House on November 3, 2009. H.R. 4592 passed the House on March 23, 2010. H.R. 1037, as amended, passed the Senate on October 7, 2009.

The Committees have prepared the following explanation of H.R. 3219, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS

*Current Law*

Section 3485 of title 38, United States Code (U.S.C.), permits certain students enrolled in a program of education to participate in work-study programs. Approved work-study activities are generally activities relating to processing documents or providing services at Department of Veterans Affairs (VA) facilities. However, until June 30, 2010, approved activities also included outreach services provided by State approving agencies, care to veterans in State homes, and activities related to the administration of national or State veterans' cemeteries.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

H.R. 1037, as amended, would require VA to conduct a five-year pilot program to expand work-study opportunities by adding to the list of approved activities positions in academic departments (including positions as tutors or research, teaching, and lab assistants) and in student services (including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

*Compromise Agreement*

Section 101 of the Compromise Agreement would extend the authority from June 30, 2010, to June 30, 2013, during which qualifying work-study activities may include assisting with outreach services to servicemembers and veterans furnished by employees of State approving agencies, provision of care to veterans in State homes, and activities related to administration of a national cemetery or State veterans' cemetery. In addition, effective October 1, 2011, it would add to the list of qualifying work-study activities the following:

Activities of State veterans agencies helping veterans obtain any benefit under laws administered by VA or States;

Positions at Centers of Excellence for Veteran Student Success;

Positions working in programs run jointly by VA and an institution of higher learning; and

Any other veterans-related position in an institution of higher learning.

REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION

*Current Law*

Section 3692 of title 38 provides for the formation of a Veterans' Advisory Committee on Education. The authority for this Committee expired on December 31, 2009.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

Section 102 of H.R. 3949, as amended, would reauthorize the Advisory Committee until December 31, 2015.

*Compromise Agreement*

Section 102 of the Compromise Agreement would extend the Veterans' Advisory Committee on Education until December 31, 2013.

18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE

*Current Law*

Section 4102A(c)(8) of title 38, U.S.C., requires that, as a condition of receiving grants under the Disabled Veterans' Outreach Program (DVOP) and the Local Veterans' Employment Representatives (LVER) program authorities, States are generally required to have each DVOP and LVER complete a program of training through the National Veterans' Employment and Training Services Institute within three years of beginning employment.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

H.R. 1088 would require that DVOPs and LVERs assigned to perform those duties on or after the date of enactment complete training within one year of being so assigned and that DVOPs and LVERs hired on or after January 1, 2006, also complete training within one year of the date of enactment.

*Compromise Agreement*

Section 103 of the Compromise Agreement would require that DVOPs and LVERs hired on or after the date of enactment complete training within 18 months of employment and that any previously-hired DVOPs and LVERs who were hired on or after January 1, 2006, also complete training within 18 months of the date of enactment.

CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP

*Current Law*

Public Law 109–461 (120 Stat. 3403), the Veterans Benefits, Health Care, and Information Technology Act of 2006, requires VA to maintain the VetBiz Vendor Information Page (VIP) database containing Veteran Owned Small Businesses (VOSB) and Service-Disabled Veteran Owned Small Businesses (SDVOSB). This law also requires VA to verify that registered firms meet the eligibility requirements to be classified as VOSBs or SDVOSBs to be included in the database.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

Section 101 of H.R. 3949, as amended, would require VA to verify small business concerns prior to being listed in the VIP database.

*Compromise Agreement*

Section 104 of the Compromise Agreement follows the House Bill.

DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL

*Current Law*

Under chapter 43 of title 38, U.S.C., the Department of Labor has responsibility for receiving, investigating, and attempting to resolve all claims filed under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

H.R. 1089, as amended, would provide the U.S. Office of Special Counsel with initial jurisdiction to investigate and prosecute all USERRA complaints involving Federal executive agencies and provide authority for individuals to file complaints with the U.S. Office of Special Counsel. It would clarify that the U.S. Office of Special Counsel has the same authority as the U.S. Department of Labor to conduct investigations and issue subpoenas when investigating USERRA complaints.

*Compromise Agreement*

Section 105 of the Compromise Agreement would require the Secretary of Labor and the Office of Special Counsel to carry out a 36-month demonstration project to start no later than 60 days after the Comptroller General submits a report assessing the proposed methods and procedures for the demonstration project; under the demonstration project, certain USERRA claims against Federal executive agencies would be received by or referred to the Office of Special Counsel. It would also allow the Office of Special Counsel to receive and investigate certain claims under USERRA and related prohibited personnel practice claims. Finally, the Compromise Agreement would establish general guidelines for administration of the demonstration project; would require the Department of Labor and the Office of Special Counsel to jointly establish methods and procedures to be used during the demonstration project and submit to Congress a report describing those methods and procedures; would require the Comptroller General to submit to Congress a report assessing those methods and procedures; and would require the Comptroller General to submit to Congress reports on the demonstration project.

VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

H.R. 4592, as amended, would create a Veterans Energy-Related Employment Program pilot program, which would award competitive grants to three States for the establishment of a program that would reimburse energy employers for the cost of providing on-the-job training for veterans in the energy sector. The reimbursements would go to employers or labor-management organizations. Each participating State would be required to provide evidence that it can produce such training to serve a population of eligible veterans, has a diverse energy industry, and the ability to carry out such a program, as well as certify that participating veterans would be hired at a wage rate consistent with the standard industry average for jobs that are technically involved and have a skill-set that is not transferable to other non-energy industries. It would authorize appropriations of $10 million a year for five years, beginning in 2011 through 2015.

*Compromise Agreement*

Section 106 of the Compromise Agreement would establish a pilot competitive grant program (Veterans Energy-Related Employment Program) as part of the Veterans Workforce Investment Program for up to three States to provide grants to energy employers that train veterans in skills particular to the energy industry. States would need to repay funds not used for the purposes outlined for this pilot program and submit reports on the use of the grant funds to the Secretary of Labor. This section would outline requirements employers must meet to receive funds from a State and would prohibit the use of funds for non-eligible veterans or eligible veterans whose employment is funded through any other governmental program. A report to Congress would be required to be submitted by the Secretary. The administrative costs of the Secretary would be limited to 2 percent of the appropriations for this program and the Secretary of Labor would be permitted to determine the maximum amounts of each grant that may be used for administration and reporting costs. Section 106 of the Compromise Agreement would authorize $1.5 million for the grant program for each of fiscal years 2012 through 2014.

PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE

*Current Law*

There is no relevant provision in current law.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

H.R. 1172, as amended, would require VA to provide and maintain on its website by June 1, 2010, information regarding scholarships that are available to veterans and family members of deceased veterans. Information to be provided on the website would include a list of organizations offering scholarships and a link to their websites. VA would also be required to notify schools and other organizations of the opportunity to be listed on the website.

*Compromise Agreement*

Section 107 of the Compromise Agreement follows the House Bill but requires the VA, by June 1, 2011, to make available on its website a list of organizations that provide scholarships to veterans and their survivors. VA would be required to make reasonable efforts to notify schools and other organizations of the opportunity to be listed on the website.

TITLE II—HOUSING AND HOMELESSNESS MATTERS

REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM

*Current Law*

The Homeless Veterans Reintegration Program (HVRP) was initially enacted in 1987 as part of Public Law 100–77, the Stewart B. McKinney Homeless Assistance Act, to expand services beyond food and shelter to homeless veterans. Public Law 107–95, the Homeless Veterans Comprehensive Assistance Act of 2001, directed the Secretary of Labor to provide homeless veterans with job training, counseling, and placement services as part of a holistic approach to reintegrating homeless veterans back into society. The authorization of appropriations to carry out this program expired at the end of fiscal year 2009.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

Section 2 of H.R. 1171, as amended, would reauthorize, through fiscal year 2014, the Department of Labor's HVRP.

*Compromise Agreement*

Section 201 of the Compromise Agreement follows the House Bill, except that it would reauthorize the HVRP through fiscal year 2011.

HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM

*Current Law*

Currently, under section 2021 of title 38, U.S.C., the Secretary of Labor is required to conduct, directly or through grant or contract, the HVRP. Through HVRP, the Secretary selects programs that are appropriate to provide job training, counseling, and placement services (including job readiness, literacy and skills training) to expedite the reintegration of homeless veterans into the labor force. HVRP is administered through the Assistant Secretary of Labor for Veterans' Employment and Training (VETS).

*Senate Bill*

Section 102 of S. 1237, as reported, would amend Subchapter III of chapter 20 of title 38, U.S.C., by adding a new section 2021A, entitled ''Grant program for reintegration of homeless women veterans and homeless veterans with children.'' This grant program would differ from the current HVRP grants in that it would be strictly a grant program and would focus specifically on providing services that will assist in the reintegration into the labor force of homeless women veterans and homeless veterans with children. Like the current HVRP grants, services under this new grant program would include job training, counseling, and job placement services, including job readiness, literacy, and skills training. Importantly, it would also include child care services to serve more effectively the target population.

*House Bill*

Section 3 of H.R. 1171, as amended, would amend title 38, U.S.C., adding a new section 2021A, entitled ''Homeless women veterans and homeless veterans with children reintegration grant program.'' That bill would direct the Secretary of Labor to carry out a grant program to provide reintegration services through programs and facilities that emphasize services for homeless women veterans and homeless veterans with children.

*Compromise Agreement*

Section 202 of the Compromise Agreement generally follows the House Bill. However, the authorization of appropriations to carry out this program is $1 million for fiscal years 2011 to 2015.

SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM

*Current Law*

There is no current provision in title 38, U.S.C., authorizing grants to develop assistive technology for specially adapted housing. The Specially Adapted Housing (SAH) program was established in 1948 by Public Law 80–702, an act to authorize assistance to certain veterans in acquiring specially adapted housing which they require by reason of their service-connected disabilities. The SAH program provides grants to certain qualifying service-connected disabled veterans to assist them in acquiring suitable housing.

*Senate Bill*

The Senate Bills contain no comparable provisions.

*House Bill*

H.R. 1170, as amended, would authorize a five-year pilot program to promote research and development of adaptive technologies that would be applicable to the SAH program. It would also provide that VA retain a 30 percent interest in any patent approved as a result of funding through this grant program. The bill would further require that VA retain any investment returns from these patents to assist in funding grants, during the duration of this program. It would authorize $2 million per year for purposes of

this grant program; those amounts would be derived from amounts appropriated for VA Medical Services.

*Compromise Agreement*

Section 203 of the Compromise Agreement generally follows the House Bill. However, under the Compromise Agreement, the Secretary would not retain any patent rights to the technology developed by any grant recipient, the funding amount would be reduced from $2 million to $1 million per fiscal year to carry out this program, and the funding would now come from amounts appropriated to VA for readjustment benefits, not Medical Services. The effective date of the five-year pilot program would be October 1, 2011.

WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE

*Current Law*

Current law, section 3729(c)(1) of title 38, U.S.C., states that a loan fee, normally collected from each person obtaining a housing loan guaranteed, insured or made under chapter 37, will be waived for a veteran who is receiving compensation, or who, but for the receipt of retirement pay, would be entitled to receive compensation.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

H.R. 2180 would waive housing loan fees for certain veterans with service-connected disabilities called back to active service.

*Compromise Agreement*

Section 204 of the Compromise Agreement follows the House Bill.

## TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

RESIDENTIAL AND MOTOR VEHICLE LEASES

*Current Law*

Section 305 of the Servicemembers Civil Relief Act (SCRA) permits the cancellation of motor vehicle leases and prohibits early termination penalties. It also permits cancellation of residential leases, but it does not provide protection from early termination fees.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

Section 202 of H.R. 3949 would amend subsection (e) of section 305 of SCRA to revise provisions concerning arrearages and other obligations to prohibit a lessor from charging an early termination charge with respect to a residential, professional, business, or agricultural rental lease entered into by a person who subsequently enters military service, or for a servicemember who has received orders for permanent change of station or for deployment in support of a military operation. It would provide that unpaid lease charges shall be paid by the lessee.

*Compromise Agreement*

Section 301 of the Compromise Agreement follows the House bill.

TERMINATION OF TELEPHONE SERVICE CONTRACTS

*Current Law*

Section 305A of SCRA permits certain servicemembers the option to request a termination or suspension of their cellular phone contracts if they are deployed outside of the continental United States for a period of not less than 90 days or have a permanent change of duty station within the United States.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

Section 201 of H.R. 3949 would amend section 305A of the SCRA to allow a servicemember to terminate certain service contracts if the servicemember has received military orders to deploy for a period of not less than 90 days or for a change of duty station to a location that does not support such service. Furthermore, if the terminated contract was for cellular or telephone exchange services, it would allow a servicemember to keep the phone number to the extent practicable and in accordance with applicable law. Covered contracts would include cellular telephone service (including family plans with the servicemember), telephone exchange service, multi-channel video programming service and internet service, as well as home water, electricity, home heating oil and natural gas services. Servicemembers would be required to deliver a written notice of termination of the service contract and the military orders to the service provider by hand delivery, private carrier, fax, or U.S. Postal Service with return receipt requested and sufficient postage. A service provider would be prohibited from imposing an early termination charge, but could collect appropriate tax, obligation or liability under the contract.

*Compromise Agreement*

Section 302 of the Compromise Agreement would allow a servicemember to terminate a contract for cellular telephone or telephone exchange service at any time after receiving notice of military orders to relocate for a period of 90 days or more to a location that does not support the contract. It would further require the telephone number of an individual who terminated a contract to be kept available for a period of not to exceed three years if the servicemember re-subscribes to the service within 90 days of the last day of relocation. Finally, section 302 of the Compromise Agreement would permit certain family plan contracts for cellular telephone service entered into by a family member of a servicemember to be terminated.

ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

Section 203 of H.R. 3949 would amend the SCRA to add a new title, Title VIII—Civil Liability, which would authorize the U.S. Attorney General to bring a civil action in U.S. district court to enforce provisions of the SCRA. It would also authorize the court to grant appropriate relief to include monetary damages. The court would be authorized in certain circumstances to impose a civil penalty that, for the first violation, will not exceed $55,000 and, for any subsequent violation, will not exceed $110,000. It would provide intervenor rights to aggrieved persons for a civil action that has already been started. In addition, it would clarify that a person has a private right of action to file a civil action for violations under the SCRA and that the court may award costs and attorney fees to a servicemember who prevails. Finally, it would provide that the rights granted under sections 801 or 802 will not limit or exclude any other rights that may also be available under Federal or state law.

*Compromise Agreement*

Section 303 of the Compromise Agreement generally follows the House bill with some technical changes.

## TITLE IV—INSURANCE MATTERS

INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS

*Current Law*

Section 1922A of title allows eligible totally disabled veterans to receive a maximum of $20,000 in Service-Disabled Veterans' Insurance (S–DVI) supplemental life insurance coverage.

*Senate Bill*

Section 101 of H.R. 1037, as amended, would amend section 1922A(a) of title 38, U.S.C., to increase the amount of life insurance available to totally disabled veterans by allowing them to purchase an additional $10,000 in supplemental insurance coverage. This would raise the maximum amount of S–DVI supplemental coverage to $30,000.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 401 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS

*Current Law*

VA offers a variety of life insurance options for servicemembers, veterans, and their families. Among these is the Servicemembers' Group Life Insurance (SGLI) program, which offers low-cost group life insurance for servicemembers on active duty, Ready Reservists, members of the National Guard, members of the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. SGLI coverage is available in $50,000 increments up to the maximum of $400,000.

Public Law 93–289, the Veterans' Insurance Act of 1974, established a new program of post-separation insurance known as Veterans' Group Life Insurance (VGLI). VGLI provides for the post-service conversion of SGLI to a renewable term policy of insurance. Persons eligible for full-time coverage include former servicemembers who were insured full-time under SGLI and who were released from active duty or the Reserves, Ready Reservists who have part-time SGLI coverage and who incur certain disabilities during periods of active or inactive duty training, and members of the Individual Ready Reserve and Inactive National Guard. VGLI coverage is issued in multiples of $10,000 up to a maximum of $400,000.

Under current law, VGLI applications for coverage must occur within one year and 120 days from discharge. However, servicemembers who are totally disabled at the time of discharge may have a longer period within which to convert their SGLI coverage to VGLI. Public Law 109–233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, authorized VA to extend from one to two years, after separation from active duty service, the period within which totally disabled members may receive premium free SGLI coverage and convert their coverage to a policy under the VGLI program after separation from active duty service. However, Public Law 109–233 mandated that on or after October 1, 2011, this two-year time period would be shortened to 18 months.

*Senate Bill*

Section 101 of S. 3765 would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to

servicemembers who are totally disabled when they separate from service.

*House Bill*

Section 101 of H.R. 3219, as amended, would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to servicemembers who are totally disabled when they separate from service.

*Compromise Agreement*

Section 402 of the Compromise Agreement follows the language in both bills.

ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

*Current Law*

Under current law, insurable dependents of servicemembers on active duty, or Ready Reservists who are totally disabled on the date of separation or release from service or assignment, are authorized to continue receiving insurance coverage long after the servicemembers' separation or release from service. Servicemembers on active duty are potentially eligible for continued coverage for up to 2 years after the date of separation or release from service; Ready Reservists are potentially eligible for an additional 1 year of coverage after separation or release from an assignment. Thereafter, the insurable dependents of covered servicemembers on active duty are also potentially eligible for continued coverage for up to 2 years after the date of separation or release from service or, in the case of an insurable dependent of a Ready Reservist, up to 1 year after the date of separation or release from an assignment.

*Senate Bill*

Section 102 of H.R. 1037, as amended, would amend section 1968(a)(5)(B)(ii) of title 38, U.S.C., so that no insurable dependent, not even those of servicemembers who remain covered for up to 1 or 2 years after service or assignment, could remain covered under SGLI for more than 120 days after the servicemember's separation or release from service or assignment.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 403 of the Compromise Agreement follows the Senate Bill.

OPPORTUNITY TO INCREASE AMOUNT OF VETERANS' GROUP LIFE INSURANCE

*Current Law*

Section 1977(a)(1) of title 38, U.S.C., limits the amount of VGLI coverage a veteran may carry to the amount of SGLI coverage that continued in force after that veteran was separated from service.

*Senate Bill*

Section 102 of S. 3765 would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional $25,000 in coverage once every 5 years at the time of renewal.

*House Bill*

Section 102 of H.R. 3219, as amended, would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional $25,000 in coverage once every 5 years at the time of renewal.

*Compromise Agreement*

Section 404 of the Compromise Agreement follows the language in both bills.

ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

*Current Law*

The current SGLI/VGLI Accelerated Benefits Option (ABO) requires VA to discount or reduce the payout available under both the SGLI and VGLI programs for terminally ill servicemembers and veterans who exercise the option to use up to half of their policy. Currently, VA discounts this payment by an amount commensurate to the interest rate earned by the program on its investment in effect at the time that a servicemember or veteran applies for the benefits, thereby often significantly reducing the amount of the ABO payment.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

Section 103 of H.R. 3219, as amended, would amend section 1980(b)(1) of title 38, U.S.C., by eliminating the requirement that the lump sum accelerated payment be ''reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary.''

*Compromise Agreement*

Section 405 of the Compromise Agreement follows the House Bill.

CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

*Current Law*

Under current law, traumatic injury protection under Servicemembers' Group Life Insurance (TSGLI) provides for payment to servicemembers who suffer a qualifying loss as a result of a traumatic injury event. In the event of a qualifying loss, VA will pay between $25,000 and $100,000, depending on the severity of the qualifying loss. In prescribing payments, VA does not account for the effect, if any, that the loss of a dominant hand has on lengthening hospitalization or rehabilitation periods.

*Senate Bill*

Section 104 of H.R. 1037, as amended, would amend section 1980A(d) of title 38, U.S.C., to authorize VA to distinguish in specifying payments for qualifying losses of a dominant hand and a non-dominant hand.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 406 of the Compromise Agreement follows the Senate Bill except that the provision would take effect on October 30, 2011.

ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE

*Current Law*

Under current law, service-connected disabled veterans who have received specially adapted housing grants from VA may purchase up to $90,000 in Veterans' Mortgage Life Insurance (VMLI). In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

*Senate Bill*

Section 105 of H.R. 1037, as amended, would amend section 2106(b) of title 38, U.S.C., to increase the maximum amount of insurance that may be purchased under the VMLI program from the current maximum of $90,000 to $150,000 effective on October 1, 2012. The maximum amount would then increase from $150,000 to $200,000 on January 1, 2012.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 407 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

*Current Law*

Under current law, TSGLI provides coverage against qualifying losses incurred as a result of a traumatic injury. In the event of a loss, VA will pay between $25,000 and $100,000 depending on the severity of the qualifying loss. TSGLI went into effect on December 1, 2005. In order to provide assistance to those servicemembers suffering traumatic injuries on or before October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of Public Law 109–13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, to individuals whose qualifying losses were sustained as ''a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.'' Under section 501(b) of Public Law 109–233, the Veterans' Housing Opportunity Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained as a ''direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom.'' Men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the Operation Iraqi Freedom or Operation Enduring Freedom theaters of operation are not eligible for retroactive payments.

*Senate Bill*

Section 103 of H.R. 1037, as amended, would amend section 501(b) of Public Law 109–233 so as to remove the requirement that limits retroactive TSGLI payments to those who served in the Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF) theaters of operation. Thus, this section of the Compromise Agreement would authorize retroactive TSGLI payments for qualifying traumatic injuries incurred on or after October 7, 2001, but before December 1, 2005, irrespective of where the injuries occurred.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 408 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

## TITLE V—BURIAL AND CEMETERY MATTERS

INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS

*Current law*

Under current law, VA will pay up to $300 toward the funeral and burial costs of veterans who die while receiving care at certain VA facilities. In addition, VA will pay a $300 plot allowance when a veteran is buried in a cemetery not under U.S. government jurisdiction if: the veteran was discharged from active duty because of a disability incurred or aggravated in the line of duty; the veteran was receiving compensation or pension, or would have been if he/she was not receiving

military retired pay; or the veteran died in a VA facility. The plot allowance may be paid to the State for the cost of a plot or interment in a State-owned cemetery reserved solely for veteran burials if the veteran was buried without charge.

*Senate Bill*

Section 501 of H.R. 1037, as amended, would increase payments for funeral and burial expenses in the case of individuals who die in VA facilities and for plot allowances up to $745 and would increase this amount annually by a cost-of-living adjustment. These increases would be effective for deaths occurring on or after October 1, 2010, but no cost-of-living adjustment would be paid in fiscal year 2011.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 501 of the Compromise Agreement would increase the amount paid for the burial and funeral of a veteran who dies in a VA facility or the plot allowance for a deceased veteran who is eligible for burial at a national cemetery from $300 to $700, effective October 1, 2011. It would further direct the Secretary of Veterans Affairs to provide an annual percentage increase in relation to the Consumer Price Index. Finally, the Compromise Agreement would provide that no cost-of-living increases are to be made to these benefits in fiscal year 2012.

INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS

*Current Law*

Under section 2402(5) of title 38, U.S.C., certain spouses, surviving spouses, and minor children of servicemembers and veterans who are eligible for burial in national cemeteries are eligible to be interred in national cemeteries.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

Section 303 of H.R. 3949, the Corey Shea Act, would give VA the discretion to provide space-available burial to qualifying parents in the gravesite of their deceased son or daughter who, on or after October 7, 2001, died in combat or died of a combat-related training injury and who has no other eligible survivors as identified under section 2402(5) of title 38, U.S.C. The term parent would mean the biological mother or father or, in the case of adoption, the adoptive mother or father.

*Compromise Agreement*

Section 502 of the Compromise Agreement follows the House Bill.

REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

H.R. 174 would direct VA to establish a national cemetery for veterans in the Southern Colorado area.

*Compromise Agreement*

Section 503 of the Compromise Agreement would require VA, not later than one year following the date of enactment, to report to Congress on the selection and construction of five new national cemeteries in areas in Southern Colorado; Melbourne and Daytona, Florida; Rochester and Buffalo, New York; Tallahassee, Florida; and Omaha, Nebraska. The Secretary would be required to solicit the advice and views of State and local veterans organizations. The report would be required to include a schedule for the establishment of and the funds available for each such cemetery. The Compromise Agreement would further require annual reports to be submitted to Congress until the completion of the cemeteries.

TITLE VI—COMPENSATION AND PENSION

ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY

*Current Law*

Currently, under subsections (a) through (j) of section 1114 of title 38, U.S.C., VA pays disability compensation to a veteran based on the rating assigned to the veteran's service-connected disabilities. Under subsections (m), (n), and (o) of section 1114, higher levels of monthly compensation are paid to veterans with severe disabilities if certain criteria are satisfied. The criteria for compensation under section 1114(m) include ''the anatomical loss . . . of both legs at a level, or with complications, preventing natural knee action with prostheses in place'' or ''the anatomical loss . . . of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses in place.'' The criteria for compensation under section 1114(n) include ''the anatomical loss . . . of both arms at levels, or with complications, preventing natural elbow action with prostheses in place''; ''the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances''; or ''the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances.'' The criteria for compensation under section 1114(o) include ''the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances.''

Currently, the monthly compensation under subsections (a) through (j) of section 1114 ranges from $123 per month for a single veteran with no dependents rated 10 percent to $2,673 per month for the same single veteran rated 100 percent. Under section 1114(l) of title 38, U.S.C., VA provides a higher amount of compensation, currently $3,327 per month for a single veteran, if the veteran is ''in need of regular aid and attendance.'' A veteran who requires regular aid and attendance may be entitled to an additional $2,002 per month, under section 1114(r)(1) of title 38, U.S.C., if the veteran suffers from severe service-connected physical disabilities. Also, under section 1114(r)(2), a higher level of aid and attendance compensation, currently an additional $2,983 per month, is provided to certain veterans with severe service-connected disabilities who need ''a higher level of care'' in addition to regular aid and attendance. Under section 1114(r)(2), this higher level of compensation generally is provided only to a veteran who has suffered a severe anatomical loss, who needs ''healthcare services provided on a daily basis in the veteran's home,'' and who would require institutionalization in the absence of that care.

*Senate Bill*

Section 205(a) of H.R. 1037, as amended, would amend subsections (m), (n), and (o) of section 1114 to remove the provisions conditioning higher monthly compensation on the site of, or complications from, an anatomical loss. Instead, if the other requirements are satisfied, it would allow the higher rates to be paid if any factors prevent natural elbow or knee action with prostheses in place or prevent the use of prosthetic appliances.

Section 205(b) of H.R. 1037, as amended, would add a new subsection (t) to section 1114, which would provide that, if a veteran is in need of regular aid and attendance due to the residuals of traumatic brain injury, is not eligible for compensation under section 1114(r)(2), and, in the absence of regular aid and attendance, would require institutional care, the veteran will be entitled to a monthly aid and attendance allowance equivalent to the allowance provided under section 1114(r)(2).

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 601 of the Compromise Agreement follows the Senate Bill.

COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18

*Current Law*

Under section 1310 of title 38, U.S.C., VA provides dependency and indemnity compensation (DIC) to a surviving spouse if a veteran's death resulted from: (1) a disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training; (2) an injury incurred or aggravated in the line of duty while on inactive duty for training; or (3) a service-connected disability or a condition directly related to a service-connected disability.

Section 301 of Public Law 108–454, the Veterans Benefits Improvement Act of 2004, amended section 1311 of title 38, U.S.C., to authorize VA to pay a $250 per month temporary benefit to a surviving spouse with one or more children below the age of 18, during the 2 years following the date on which entitlement to DIC began. This provision was enacted in response to a May 2001 program evaluation report recommendation on the need for transitional DIC.

*Senate Bill*

Section 201 of H.R. 1037, as amended, would amend section 1311(f) of title 38, U.S.C., by authorizing a permanent, automatic, cost-of-living adjustment for this temporary DIC payment so that the value of the benefit does not erode over time.

This cost-of-living increase would occur whenever there is an increase in benefit amounts payable under title II of the Social Security Act, section 401 et seq., title 42, U.S.C.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 602 of the Compromise Agreement follows the Senate bill.

PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999

*Current Law*

Under chapter 13 of title 38, U.S.C., DIC is paid to the surviving spouse or children of a veteran when the veteran's death is a result of a service-connected disability. In addition, VA provides DIC to the surviving spouses and children of veterans who have died after service from a non-service-connected disability if the veteran had been totally disabled due to a service-connected disability for a continuous period of 10 or more years immediately preceding death or for a continuous period of at least 5 years after the veteran's release from service.

Prior to Public Law 106–117, the Veterans Millennium Health Care and Benefits Act,

the survivors of former Prisoners of War (POWs) were eligible for DIC under the same rules as all other survivors. Section 501 of Public Law 106–117 extended eligibility for DIC to the survivors of former POWs who died after September 30, 1999, from non-service-connected causes if the former POWs were totally disabled due to a service-connected cause for a period of 1 or more years, rather than 10 or more years, immediately prior to death.

*Senate Bill*

Section 208 of H.R. 1037, as amended, would amend section 1318(b)(3) of title 38, U.S.C., to make all survivors of former POWs eligible for DIC if the veteran died from non-service-connected causes and was totally disabled due to a service-connected condition for a period of 1 or more years immediately prior to death, without regard to date of death.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 603 of the Compromise Agreement follows the Senate bill.

EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS

*Current Law*

Under chapter 15 of title 38, U.S.C., VA is authorized to pay pension benefits to wartime veterans who have limited or no income, and who are ages 65 or older, or, if under 65, who are permanently and totally disabled.

When calculating annual income for purposes of these pension benefits, section 1503 of title 38, U.S.C., authorizes VA to include income received by the veteran and from most sources. However, certain sources of income, such as donations from public or private relief or welfare organizations, are not taken into account.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 604 of the Compromise Agreement would exclude, for purposes of determining income for pension eligibility, up to $5,000, paid to a veteran from a State or municipality, if the benefit was paid due to the veteran's injury or disease.

COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY

*Current Law*

Under section 5110(b)(1) of title 38, U.S.C., if a veteran files a claim for VA disability compensation within 1 year after being discharged from military service, the effective date of an award of service connection will be the day after the date of discharge. However, under section 5111(a) of title 38, U.S.C., the effective date for payment of compensation based on that award will not be until the first day of the month following the month in which the service-connection award is effective.

*Senate Bill*

Section 206 of H.R. 1037, as amended, would amend section 5111 of title 38, U.S.C., to provide that, if a veteran is retired from the military for a catastrophic disability or disabilities, payment of disability compensation based on an original claim for benefits will be made as of the date on which the award of compensation becomes effective. ''Catastrophic disability'' would be defined as a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 605 of the Compromise Agreement follows the Senate Bill.

APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR

*Current Law*

Under current law, a veteran with no dependents who is entitled to receive pension under section 1521 of title 38, U.S.C., cannot be paid more than $90 per month if the veteran is in a nursing facility where services are covered by a Medicaid plan. In instances where a veteran's surviving spouse is entitled to receive pension under section 1541 of title 38, U.S.C., the surviving spouse also cannot be paid more than $90 per month if the surviving spouse has no dependents and is in a nursing facility where services are covered by a Medicaid plan. The $90 pension benefit may not be counted in determining eligibility for Medicaid or the patient's share of cost.

Under section 101(4)(A) of title 38, U.S.C., a child is defined as a person who is unmarried and under the age of 18 years; before reaching the age of 18 years, became permanently incapable of self-support; or, after attaining the age of 18 years and until completion of education or training, but not after attaining the age of 23 years, is pursuing a course of instruction at an approved educational institution. Such a child is entitled to pension under section 1542 of title 38, U.S.C., if the income of the child is less than the statutory benefit amount payable to the child. If such a child is admitted to a nursing facility where services are covered by a Medicaid plan, the pension benefits for the child are not currently reduced to $90.

*Senate Bill*

Section 207 of H.R. 1037, as amended, would amend section 5503 of title 38, U.S.C., so that adult-disabled children of veterans who receive pension under section 1542 of title 38, U.S.C., and are covered by a Medicaid plan while residing in nursing homes, would have their pension benefits reduced in the same manner as veterans and surviving spouses.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 606 of the Compromise Agreement follows the Senate bill.

EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES

*Current Law*

Public Law 101–508, the Omnibus Budget Reconciliation Act of 1990, reduced VA pension for certain veterans in receipt of Medicaid-covered nursing home care to no more than $90 per month, for any period after the month of admission to the nursing care facility. This authority expired on September 30, 1992, and was extended through 1997 in Public Law 102–568, the Veterans' Benefits Act of 1992; through 1998 in Public Law 103–66, the Omnibus Budget Reconciliation Act of 1993; through 2002 in Public Law 105–33, the Balanced Budget Act of 1997; through 2008 in Public Law 106–419, the Veterans' Benefits and Health Care Improvement Act of 2000; and through 2011 in Public Law 107–103, the Veterans' Education and Benefits Expansion Act of 2001.

*Senate Bill*

Section 204 of H.R. 1037, as amended, would amend section 5503(d)(7) of title 38, U.S.C., to extend, from September 30, 2011, to September 30, 2014, the authority for limitation of VA pension to $90 per month for certain beneficiaries receiving Medicaid-covered nursing home care.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 607 of the Compromise Agreement follows the Senate bill, except that the limitation would be extended until May 31, 2015.

CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN

*Current Law*

Under current law, section 5312 of title 38, U.S.C., whenever there is an increase in benefits payable under title II of the Social Security Act, VA automatically increases pension benefits by the same percentage increase.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 608 of the Compromise Agreement codifies current pension rates for disabled veterans and surviving spouses and children.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

CLARIFICATION THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES

*Current Law*

Under current law, section 4311(a) of title 38, U.S.C., employers may not deny any ''benefit of employment'' to employees or applicants on the basis of membership in the uniformed services, application for service, performance of service, or service obligation. However, the U.S. Court of Appeals for the Eighth Circuit held in 2002 that USERRA does not prohibit wage discrimination because ''wages or salary for work performed'' are specifically excluded from the law's definition of ''benefit of employment.'' Gagnon v. Sprint Corp., 284 F.3d 839, 853 (8th Cir. 2002).

*Senate Bill*

Section 403 of H.R. 1037, as amended, would amend section 4303(2) of title 38, U.S.C., to make it clear that wage discrimination is not permitted under USERRA.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 701 of the Compromise Agreement follows the Senate Bill.

CLARIFICATION OF THE DEFINITION OF ''SUCCESSOR IN INTEREST''

*Current Law*

Section 4303 of title 38, U.S.C., uses a broad definition of the term ''employer'' and includes in subsection (4)(A)(iv) a definition of

a ''successor in interest.'' In regulations, the Department of Labor has provided that an employer is a ''successor in interest'' where there is a substantial continuity in operations, facilities and workforce from the former employer. It further stipulates that the determination of whether an employer is a successor in interest must be made on a case-by-case basis using a multifactor test (20 C.F.R. §1002.35). One Federal court, however, in a decision made prior to the promulgation of the regulation, held that an employer could not be a successor in interest unless there was a merger or transfer of assets from the first employer to the second. (See Coffman v. Chugach Support Services Inc., 411 F.3d 1231 (11th Cir. 2005); but see Murphree v. Communications Technologies, Inc., 460 F. Supp. 2d 702 (E.D. La 2006) applying 20 C.F.R. §1002.35 and rejecting the Coffman merger or transfer of assets requirement.)

*Senate Bill*

Section 402 of H.R. 1037, as amended, would amend section 4303 of title 38, U.S.C., to clarify the definition of ''successor in interest'' by incorporating language that mirrors the regulatory definition adopted by the Department of Labor.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 702 of the Compromise Agreement follows the Senate bill.

TECHNICAL AMENDMENTS

*Senate Bill*

Section 406 of H.R. 1037, as amended, would make three technical and conforming changes to various provisions of law in order to correct cross references to various USERRA provisions contained in chapter 43 of title 38, U.S.C., and clarify existing language in the USERRA.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 703 of the Compromise Agreement follows the Senate Bill.

## TITLE VIII—BENEFITS MATTERS

INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED

*Current Law*

Section 3120(e) of title 38, U.S.C., authorizes VA to initiate a program of independent living services for no more than 2,600 service-connected disabled veterans in each fiscal year.

*Senate Bill*

Section 301 of H.R. 1037, as amended, would eliminate the annual cap on the number of service-connected disabled veterans who may enroll in a program of independent living.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 801 of the Compromise Agreement would increase to 2,700 the number of veterans who may initiate a program of independent living services in any fiscal year.

PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

*Current Law*

Under current law, section 3732 of title 38, U.S.C., provides default procedures for VA home loans and illustrates the actions VA may take to preserve the loan before suit or foreclosure. However, it does not address what would occur in the event an individual files for bankruptcy and a loan is modified under the authority provided under section 1322(b) of title 11.

*Senate Bill*

Section 304 of H.R. 1037, as amended, would amend section 3732(a)(2) by adding a new subparagraph that would authorize additional default procedures for VA home loans in the event that a VA home loan is modified under the authority provided under section 1322(b) of title 11. This new authority would allow VA to pay the holder of the obligation the unpaid balance of the obligation, plus accrued interest, due as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to VA in a form and manner satisfactory to VA of all rights, interest, claims, evidence, and records with respect to the housing loan.

*House Bill*

The House bills contain no comparable provision.

*Compromise Agreement*

Section 802 of the Compromise Agreement follows the Senate Bill.

ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT

*Current Law*

Under current law, section 3901 of title 38, U.S.C., veterans and members of the Armed Forces are eligible for assistance with automobiles and adaptive equipment if they suffer from one of three qualifying service-connected disabilities: loss or permanent loss of use of one or both feet; loss or permanent loss of use of one or both hands; or a central visual acuity of 20/200 or less or a peripheral field of vision of 20 degrees or less.

*Senate Bill*

Section 302 of H.R. 1037, as amended, would amend section 3901 of title 38, U.S.C., so as to include individuals with a service-connected disability due to a severe burn injury, effective October 1, 2010. The scope and definition of what constitutes a disability due to a severe burn injury would be determined pursuant to regulations prescribed by VA.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 803 of the Compromise Agreement follows the Senate Bill, except that provision would take effect on October 1, 2011.

ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS

*Current Law*

Under current law, section 3902 of title 38, U.S.C., provides up to $11,000 to eligible veterans and servicemembers for the purchase of an automobile or other conveyance and adaptive equipment to safely operate either.

*Senate Bill*

Section 303 of H.R. 1037, as amended, would amend section 3902 of title 38, U.S.C., to increase the maximum authorized automobile assistance allowance from $11,000 to $22,500, effective October 1, 2010. Section 303 would also direct VA to establish a method of determining the average retail cost of new automobiles for the preceding calendar year. The maximum allowance would increase, effective October 1 of each fiscal year, beginning in 2011, to an amount equal to 80 percent of what VA determined to be the average retail cost of new automobiles for the preceding calendar year.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 804 of the Compromise Agreement would generally follow the Senate Bill. However, the amount of the allowance was increased to $18,900 instead of $22,500. This allowance would be adjusted October 1 of each year, beginning in 2011, by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. If the Consumer Price Index does not increase, the amount of the allowance will remain the same as the previous fiscal year.

NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 601 of H.R. 1037, as amended, would require VA to contract with the Institute of Medicine to gather a group of medical professionals, who are experienced in treating individuals diagnosed with Gulf War Illness, in order to conduct a comprehensive review of the best treatments for this illness. The individuals these medical professionals must have experience treating must have served during the Persian Gulf War in the Southwest Asia theater of operations, or in Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

The final report on the review required by this section must be submitted to VA and the House and Senate Committees on Veterans' Affairs by December 31, 2011, and include recommendations for legislative or administrative actions as the Institute of Medicine considers appropriate in light of the results of that review.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 805 of the Compromise Agreement generally follows the Senate Bill except that the final report is due to the Committees by December 31, 2012, and the term ''chronic multisymptom illness'' replaces the term ''Gulf War Illness.''

EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS

*Current Law*

Public Law 105–277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, required VA to enter into an agreement with the National Academy of Sciences to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Persian Gulf War service. Congress extended these reviews and evaluations in Public Law 107–103, the Veterans Education and Benefits Expansion Act of 2001. This requirement will expire on October 1, 2010.

Public Law 105–368, the Veterans Programs Enhancement Act of 1998, required the National Academy of Sciences to examine the scientific and medical literature on the potential health effects of chemical and biological agents related to the 1991 Gulf War. The requirement for this examination ended in 2009.

*Senate Bill*

Section 602 of H.R. 1037, as amended, would extend until October 1, 2015, the mandate for

the National Academy of Sciences to review and evaluate scientific evidence regarding associations between illnesses and exposure. Section 602(b) would extend until October 1, 2018, the requirement for the National Academy of Sciences to report on the health effects of exposure.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 806 of the Compromise Agreement generally follows the Senate Bill except that it requires the disaggregation of results by theaters of operations before and after September 11, 2001.

EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES

*Current Law*

Current law, section 315(b) of title 38, U.S.C., authorizes VA to maintain a regional office in the Republic of the Philippines until December 31, 2010. Congress has periodically extended this authority, most recently in Public Law 111–117, the Consolidated Appropriations Act, 2010.

*Senate Bill*

Section 603 of H.R. 1037, as amended, would authorize VA to maintain a regional office in the Republic of the Philippines until December 31, 2011.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 807 of the Compromise Agreement follows the Senate Bill, and adds that within one year, the Comptroller General would be required to provide a report to the House and Senate Committees on Veterans' Affairs and Appropriations on the activities of the Manila Regional Office. This report would also include an assessment of the costs and benefits of maintaining the office in the Philippines in comparison with moving the activities of the office to the United States.

EXTENSION OF AN ANNUAL REPORT ON EQUITABLE RELIEF

*Current Law*

Under current law, VA is authorized to provide monetary relief to persons whom the Secretary determines were deprived of VA benefits by reason of administrative error by a federal government employee. The Secretary may also provide relief which the Secretary determines is equitable to a VA beneficiary who has suffered a loss as a consequence of an erroneous decision made by a federal government employee. No later than April 1 of each year, the Secretary was required to submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year; the requirement for this report was extended through December 31, 2009, by Public Law 109–233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

*Senate Bill*

The Senate Bills contains no comparable provision.

*House Bill*

The House Bills contains no comparable provision.

*Compromise Agreement*

The Compromise Agreement extends the requirement for the report on equitable relief through December 31, 2014.

AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS

*Current Law*

In 1996, in Public Law 104–275, the Veterans' Benefits Improvements Act of 1996, VA was authorized to carry out a pilot program of contract disability examinations through ten VA regional offices using amounts available for payment of compensation and pensions. During the initial pilot program, one contractor performed all contract examinations at the ten selected regional offices.

Subsequently, in 2003, in Public Law 108–183, the Veterans Benefits Act of 2003, VA was given additional, time-limited authority to contract for disability examinations using other appropriated funds. That initial authority was extended until December 31, 2010, by Public Law 110–389, the Veterans' Benefits Improvement Act of 2008. VA continues to report high demand for compensation and pension examinations and satisfaction with the contracted examinations.

*Senate Bill*

S. 3609 would extend VA's authority, through December 31, 2012, to use appropriated funds for the purpose of contracting with non-VA providers to conduct disability examinations. The examinations would be conducted pursuant to contracts entered into and administered by the Under Secretary for Benefits.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 809 of the Compromise Agreement follows the Senate Bill.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 203 of S. 3325, as amended, would authorize fiscal year 2011 major medical facility leases as follows:

$7,149,000 for a Community Based Outpatient Clinic (CBOC) in Billings, Montana.

$3,316,000 for an Outpatient Clinic in Boston, Massachusetts.

$21,495,000 for a CBOC in San Diego, California.

$10,055,000 for a Research Lab in San Francisco, California.

$5,323,000 for a Mental Health Facility in San Juan, Puerto Rico.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 901 of the Compromise Agreement follows the Senate Bill.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 201 of S. 3325, as amended, authorizes up to $995,000,000 for restoration, new construction, or replacement of the medical care facility for the VA Medical Center (VAMC) at New Orleans, Louisiana.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 902 of the Compromise Agreement modifies previous authorizations by providing $995,000,000 for restoration, new construction, or replacement of the medical care facility for the VAMC at New Orleans, Louisiana.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 202 of S. 3325, as amended, authorizes up to $117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 903 of the Compromise Agreement modifies previous authorizations by providing $117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

AUTHORIZATION OF APPROPRIATIONS

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 204 of S. 3325, as amended, authorizes $47,338,000 to be appropriated to the Medical Facilities account for the leases authorized in section 901 and $1,112,845,000 to be appropriated to the Construction, Major Projects account for the projects authorized in sections 902 and 903.

*House Bill*

The House Bills contain no applicable provision.

*Compromise Agreement*

Section 904 of the Compromise Agreement generally follows the Senate Bill.

REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

Section 207 of S. 3325, as amended, contains a provision that requires that bid savings from major medical facility projects realized in any fiscal year must be used for major medical facility projects authorized for that fiscal year or a prior year. At the time of obligation, VA would be required to submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives notice of the source of the savings, the amount obligated, and the authorized project the savings are being obligated to.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 905 of the Compromise Agreement follows the Senate Bill.

TITLE X—OTHER MATTERS

TECHNICAL CORRECTIONS

*Current Law*

Current law contains no relevant provision.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 1001 of the Compromise Agreement contains technical corrections to title 38, U.S.C.

STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE

*Current Law*

Public Law 111–139, the Statutory Pay-As-You-Go Act (PAYGO Act), requires that most new spending is offset by spending cuts or added revenue elsewhere.

*Senate Bill*

The Senate Bills contain no comparable provision.

*House Bill*

The House Bills contain no comparable provision.

*Compromise Agreement*

Section 1002 of the Compromise Agreement contains language required by the PAYGO Act in order for the estimate of budgetary effects from the Senate Budget Committee to be used by the Office of Management and Budget on PAYGO scorecards.

Mr. DURBIN. I ask unanimous consent that an Akaka substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time; that a budgetary pay-go statement be considered read and printed in the RECORD; that the bill be passed; that the title amendment which is at the desk be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO legislation for H.R. 3219, as amended.

Total Budgetary Effects of H.R. 3219 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of $394 million.

Total Budgetary Effects of H.R. 3219 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of $8 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3219, THE VETERANS' BENEFITS ACT OF 2010 AS PROVIDED BY THE SENATE COMMITTEE ON THE BUDGET ON SEPTEMBER 27, 2010

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| Net Increase or Decrease (−) in the Deficit | | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact[a] | 0 | 0 | −154 | −70 | −115 | −55 | 74 | 74 | 77 | 79 | 82 | −394 | −8 |

[a] H.R. 3219 contains provisions that would both increase and decrease direct spending for eterans' programs. Affected programs include veterans' education and employment benefits, disability compensation and pensions, burial benefits, and housing and insurance benefits for disabled veterans.

The amendment (No. 4671) was agreed to.

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

The amendment was ordered to be engrossed and the bill, as amended, read a third time.

The bill (H.R. 3219) was read the third time and passed.

The amendment (No. 4672) was agreed to, as follows:

(Purpose: to amend the title)

Amend the title so as to read: ''An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

## 60TH ANNIVERSARY OF THE FULBRIGHT PROGRAM IN THAILAND

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 408, S. Res. 469.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 469) recognizing the 60th Anniversary of the Fulbright Program in Thailand.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 469) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 469

Whereas 2008 was the 175th anniversary of relations between the Kingdom of Thailand and the United States;

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program currently operates in over 150 countries;

Whereas the Thailand-United States Educational Foundation (TUSEF) was established by a formal agreement in 1950;

Whereas 2010 is the 60th anniversary of the Fulbright Program partnership with the Kingdom of Thailand;

Whereas approximately 1,600 Fulbright students and scholars from Thailand have studied, conducted research, or lectured in the United States;

Whereas 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008;

Whereas active consideration is being given to increasing the emphasis of the Fulbright Program in southern Thailand, including through the Fulbright English Teaching Assistantship Program; and

Whereas the United States Government supports additional programs in Thailand in the areas of education, democracy promotion, good governance, and public diplomacy: Now, therefore, be it

*Resolved,* That the Senate encourages the President to maintain and expand interaction with the Kingdom of Thailand in ways which facilitate close coordination and partnership in the areas of education and cultural exchange throughout all of Thailand, including the southern provinces.

## FEED AMERICA DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 646.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 646) designating Thursday, November 18, 2010, as ''Feed America Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 646) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 646

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates Thursday, November 18, 2010, as ''Feed America Day''; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 18, 2010, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

## RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 652, S. Res. 653, S. Res. 654, S. Res. 655, S. Res. 656, S. Res. 657, S. Res. 658, S. Res. 659, S. Res. 660, and S. Res. 661.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the resolutions be printed in the RECORD.

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

## HONORING MR. ALFRED LIND

The resolution (S. Res. 652) honoring Mr. Alfred Lind for his dedicated service to the United States of America during World War II as a member of the Armed Forces and a prisoner of war, and for his tireless efforts on behalf of other members of the Armed Forces touched by war was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 652

Whereas Mr. Alfred Lind served in World War II from 1942 to 1945 as a member of the 58th Armored Field Artillery Battalion;

Whereas Mr. Lind was wounded in action in combat near Brolo, Sicily when his M-7 self-propelled howitzer was hit during a tank battle;

Whereas Mr. Lind was captured and held as a prisoner of war for 2 years, being transferred between Stalag IIB near Hammerstein, Stalag IIIB near Furstenberg, and Stalag IIIA near Luckenwalde;

Whereas, after the war, Mr. Lind returned to his roots as a farmer and retired after many years of hard work;

Whereas, after retiring, Mr. Lind turned his attention to supporting members of the Armed Forces by making quilts for the Quilts of Valor Foundation;

Whereas the Quilt of Valor Foundation distributes handmade quilts to members of the Armed Forces and veterans who have been wounded or touched by war to demonstrate support, honor and care for our Armed Forces;

Whereas the Quilt of Valor Foundation has made and distributed over 30,000 quilts to members of the Armed Forces and veterans since the foundation began in 2003;

Whereas Mr. Lind has made over 400 quilts in honor of other members of the Armed Forces who have been touched by war;

Whereas Mr. Lind passed away on September 10, 2010, at the age of 92; and

Whereas Mr. Lind was a true patriot, who continued his service to the Armed Forces of the United States long after his retirement: Now, therefore, be it

*Resolved,* That the Senate honors Mr. Alfred Lind for—

(1) his service to the United States as a soldier and as a prisoner of war; and

(2) his dedication to provide solace and comfort through Quilts of Valor to members of the Armed Forces and veterans alike.

## NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

The resolution (S. Res. 653) designating October 30, 2010, as national day of remembrance for nuclear weapons program workers was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 653

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas, in 2009, Congress recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States;

Whereas, in the year prior to the approval of this resolution, a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates October 30, 2010, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2010, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

## GOLD STAR WIVES DAY

The resolution (S. Res. 654) designating December 18, 2010, as ''Gold Star Wives Day'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 654

Whereas the Senate has always honored the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was in 1945;

Whereas December 18, 2010, marks the 65th anniversary of the incorporation of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates December 18, 2010, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe ''Gold Star Wives Day'' to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

## STOMACH CANCER AWARENESS MONTH

The resolution (S. Res. 655) designating November 2010 as ''Stomach Cancer Awareness Month'' and supporting efforts to educate the public about stomach cancer was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 655

Whereas stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

Whereas stomach cancer is the second leading cause of cancer mortality worldwide;

Whereas, in 2009, an estimated 21,000 new cases of stomach cancer were diagnosed in the United States;

Whereas, in 2010, an estimated 10,000 Americans will die from stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 26 percent;

Whereas approximately 1 in 113 individuals will be diagnosed with stomach cancer in their lifetimes;

Whereas an inherited form of stomach cancer carries a 67 to 83 percent risk that an individual will be diagnosed with stomach cancer by age 80;

Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas better patient and health care provider education is needed for the timely recognition of stomach cancer risks and symptoms;

Whereas more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2010 is an appropriate month to observe ''Stomach Cancer Awareness Month'': Now, therefore, be it

*Resolved,* That the Senate—

(1) designates November 2010 as ''Stomach Cancer Awareness Month'';

(2) supports efforts to educate the people of the United States about stomach cancer;

(3) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(4) encourages the people of the United States and interested groups to observe and support November 2010 as ''Stomach Cancer Awareness Month'' through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

## EXPRESSING SUPPORT FOR THE INAUGURAL USA SCIENCE & ENGINEERING FESTIVAL

The resolution (S. Res. 656) expressing support for the inaugural USA Science & Engineering Festival was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 656

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'');

Whereas a new generation of American students educated in STEM is crucial to ensure continued economic growth;

Whereas advances in technology have resulted in significant improvements in the daily lives of the people of the United States;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of the world;

Whereas strengthening the interest of American students, particularly young women and underrepresented minorities, in STEM education is necessary to maintain the global competitiveness of the United States;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the mission of the USA Science & Engineering Festival is to reinvigorate the interest of the young people of the United States in STEM by producing exciting and educational science and engineering gatherings; and

Whereas thousands of individuals from universities, museums and science centers, STEM professional societies, educational societies, government agencies and laboratories, community organizations, K-12 schools, volunteers, corporate and private sponsors, and nonprofit organizations have come together to organize the inaugural USA Science & Engineering Festival across the United States, including a 2-day exposition on the National Mall that will feature more than 1,500 hands-on activities and more than 75 stage shows: Now, therefore, be it

*Resolved,* That the Senate—

(1) expresses the support of the Senate for the inaugural USA Science & Engineering Festival to be held in October 2010 in Washington, D.C.;

(2) commends the Nobel Laureates, institutions of higher education, corporate sponsors, and all the various organizations whose efforts will make the USA Science & Engineering Festival possible; and

(3) encourages students and their families to participate in the activities which will take place on the National Mall and across the United States at satellite locations as part of the inaugural USA Science & Engineering Festival.

Mr. KAUFMAN. Mr. President, I rise today to express my support for the inaugural USA Science & Engineering Festival.

As the only serving Senator who has worked as an engineer, I am proud to sponsor a resolution acknowledging the importance of science and engineering education.

I would also like to thank Majority Leader REID and Senators AKAKA, BAUCUS, and ROCKEFELLER for joining me in introducing this resolution.

I have spoken many times on the Senate floor about the need to inspire a new generation of graduates educated in science, technology, engineering, and mathematics, or STEM. According to a report released last week by the National Academy of Sciences, the United States ranks 27th among developed nations in the proportion of college students receiving undergraduate degrees in engineering or science. This trend must be reversed.

Last year, the science community of greater San Diego recognized this need and launched the inaugural San Diego Science Festival. According to the festival's Web site, part of its mission was to demonstrate to students that careers in STEM are ''interesting, accessible, and a pathway to a better future.'' By all accounts, the San Diego Science Festival was sensational and attracted more than 500,000 participants which inspired a national STEM effort—the USA Science & Engineering Festival.

Hosted by Lockheed Martin, the USA Science & Engineering Festival is a grassroots collaboration of over 500 of the Nation's leading science organizations, including professional science and engineering societies, universities, government agencies, industry partners, and K–12 schools working to reinvigorate young people's interest in STEM. It also has a strong advisory board including Nobel Laureates, leaders of Fortune 100 technology and science companies, innovators, scientists, and STEM educators.

The festival launches in the Washington, DC area on October 10 and culminates in a 2-day expo on the National Mall on October 23 and 24. It will feature more than 1,500 hands-on activities and more than 75 stage shows. At the same time, dozens of satellite locations will be hosting festival events across the country. This first-ever national science festival is gearing up to be an extremely successful event.

I believe that encouraging more students to pursue careers in the STEM fields, particularly young women and underrepresented minorities, is necessary to maintaining our economic and global competitiveness. Countries around the world have held science festivals in support of STEM education and I am so pleased that the United States is on the eve of doing the same. I commend those individuals who are working hard to make the USA Science & Engineering Festival a success and I encourage students and families across the country to participate in this extraordinary event.

## CELEBRATING THE 75TH ANNIVERSARY OF THE DEDICATION OF THE HOOVER DAM

The resolution (S. Res. 657) celebrating the 75th anniversary of the dedication of the Hoover Dam was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 657

Whereas the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas, on September 30, 1935, President Franklin D. Roosevelt dedicated the Hoover Dam;

Whereas the construction of the Hoover Dam created Lake Mead, a reservoir that can store an amount of water that is equal to 2 years average flow of the Colorado River;

Whereas the construction of the Hoover Dam provided vitally critical flood control, water supply, and electrical power and helped to create and support the economic growth and development of the Southwestern United States;

Whereas the Hoover Dam has prevented an estimated $50,000,000,000 in flood damages in the Lower Colorado River Basin;

Whereas the Hoover Dam provides water for more than 18,000,000 people and 1,000,000 acres of farmland in the States of Arizona, California, and Nevada and 500,000 acres of farmland in Mexico, as well as produces an average of 4,000,000,000 kilowatt-hours of hydroelectric power each year;

Whereas the Hoover Dam, an engineering marvel at 726.4 feet from bedrock to crest, was the highest dam in the world at the time the Hoover Dam was constructed;

Whereas the Hoover Dam is an enduring symbol of the ingenuity of the United States and the persistence of hardworking Americans during the Great Depression;

Whereas the Hoover Dam is the model for major water management projects around the world; and

Whereas the Hoover Dam is registered as a National Historic Landmark on the National Register of Historic Places and is considered 1 of 7 modern engineering wonders by the American Society of Civil Engineers: Now, therefore, be it

*Resolved,* That the Senate—

(1) celebrates and acknowledges the thousands of workers and families that overcame difficult working conditions and great challenges to make construction of the Hoover Dam possible;

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam;

(3) recognizes the past, present, and future benefits of the construction of the Hoover Dam to the agricultural, industrial, and urban development of the Southwestern United States; and

(4) joins the States of Arizona, California, Nevada, and the people of the United States in celebrating the 75th anniversary of the dedication of the Hoover Dam.

## NATIONAL CHARACTER COUNTS WEEK

The resolution (S. Res. 658) designating the week beginning October 17, 2010, as ''National Character Counts Week'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 658

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of ''National Character Counts Week'', during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning October 17, 2010, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

Mr. DODD. Mr. President, today Senator GRASSLEY and I resubmitted a resolution designating the third week of October as National Character Counts Week. Last year, Senator GRASSLEY and I worked together on the issue of character education, and I am pleased to continue to designate a special week to this cause. I hope that with this resolution we may highlight the importance of character building activities in schools not only this week but all year long.

Since 1994, when the Partnerships in Character Education Pilot Project was first established, I have worked to commemorate National Character Counts Week. Character Counts was founded on a simple notion: our core ethical values are not just important to us as individuals—they form the very foundation of democratic society. We know that in order to face our challenges as communities and as a Nation, we need our children to be both well-educated and trained—and that begins with instilling character in our children. Trustworthiness, respect, responsibility, fairness, caring, and citizenship—these are the six pillars of character.

Character education provides students a context within which to learn those values and integrate them into our daily lives. Indeed, if we view education simply as the imparting of knowledge to our children, then we not only miss an opportunity, but we also jeopardize our future.

The American public wants character education in our schools, too. Studies show that approximately 90 percent of Americans support schools teaching character education. Character education programs work. Currently, there are character education programs across all 50 States in rural, urban and suburban areas at every grade level. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement within the community.

This renewed focus on character sends a wonderful message to Americans and will help reinvigorate our efforts to get communities and schools involved. With this resolution, it is my hope that even more communities will make character education a part of every child's life. I hope that my colleagues will support this important effort.

## SUPPORTING ''LIGHTS ON AFTERSCHOOL''

The resolution (S. Res. 659) supporting ''Lights On Afterschool,'' a national celebration of afterschool programs, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 659

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;

Whereas ''Lights On Afterschool'', a national celebration of afterschool programs held on October 21, 2010, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of ''Lights On Afterschool'', a national celebration of afterschool programs.

Mr. DODD. Mr. President, today Senator ENSIGN and I have submitted a resolution designating October 21, 2010, Lights On Afterschool Day. Lights On Afterschool brings students, parents, educators, lawmakers, and community and business leaders together to celebrate afterschool programs. This year, more than 1 million Americans are expected to attend about 7,500 events designed to raise awareness and support for these much needed programs.

In America today, one in four youth—more than 15 million children—go home alone after the school day ends. This includes more than 40,000 kindergartners and almost 4 million middle school students in grades six to eight. On the other hand, only 8.4 million children, or approximately 15 percent of school-aged children, participate in afterschool programs. An additional 18.5 million would participate if a quality program were available in their community.

Lights On Afterschool, a national celebration of afterschool programs, is celebrated every October in communities nationwide to call attention to the importance of afterschool programs for America's children, families and communities. Lights On Afterschool was launched in October 2000

with celebrations in more than 1,200 communities nationwide. The event has grown from 1,200 celebrations in 2001 to more than 7,500 today. This October, 1 million Americans will celebrate Lights On Afterschool.

Mr. President, quality afterschool programs should be available to children in all communities. These programs support working families and prevent kids from being both victims and perpetrators of violent crime. They also help parents in balancing work and home-life. Quality afterschool programs help to engage students in their communities, and when students are engaged, they are more successful in their educational endeavors.

As co-chairmen of the Senate Afterschool Caucus, Senator ENSIGN and I have been working for more than 5 years to impress upon our colleagues the importance of afterschool programming. It is our hope that they will join us on October 21 to celebrate the importance of afterschool programs in their communities back home.

## EXPRESSING SUPPORT FOR A PUBLIC DIPLOMACY PROGRAM PROMOTING ADVANCEMENTS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

The resolution (S. Res. 660) expressing support for a public diplomacy program promoting advancements in science, technology, engineering, and mathematics made by or in partnership with the people of the United States was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 660

Whereas science, technology, engineering, and mathematics are vital fields of increasing importance in driving the economic engine and ensuring the security of the United States;

Whereas science, technology, engineering, and mathematics have played, and will continue to play, critical roles in helping to develop clean energy technologies, find lifesaving cures for diseases, solve security challenges, and discover new solutions for deteriorating transportation and infrastructure;

Whereas the United States is recognized as an international leader in science, technology, engineering, and mathematics and a destination for individuals from all over the world studying in those fields;

Whereas in partnership with countries and individuals across the globe, the people of the United States have made advances in science, technology, engineering, and mathematics that have advanced the knowledge and improved the condition of human beings everywhere;

Whereas international scientific cooperation enhances relationships among participating countries by building trust and increasing understanding between those countries and cultures through the collaborative nature of scientific dialogue;

Whereas partnerships between the people of other countries and the people of the United States are the most effective form of public diplomacy, helping to counter misconceptions based on fear, ignorance, and misinformation;

Whereas consistent polling and scholarly research have shown that even countries that disagree with some aspects of United States foreign policy admire the leadership of the United States in science, technology, engineering, and mathematics; and

Whereas international scientific cooperation has produced successful engagement and led to improved relations with countries that exhibited hostility to the United States in the past, including Russia and the People's Republic of China: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends individuals and institutions that participate in and support advancements in science, technology, engineering, and mathematics, especially through international partnerships;

(2) supports the Science Envoy Program as representative of the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world based on issues of common interest and expertise; and

(3) encourages the Secretary of State to establish a public diplomacy program that uses embassies of the United States and the resources of the Smithsonian Institution and other such institutions—

(A) to establish engaging exhibits that provide examples of cooperation between institutions and the people of the United States and the institutions and people of the host country in the fields of science, technology, engineering, and mathematics;

(B) to create fora for individuals working or conducting research in science, technology, engineering, and mathematics in the host country to discuss their work and the cooperation with the institutions and people of the United States and those of the host country; and

(C) to encourage future cooperation and relationships with students around the world in science, technology, engineering, and mathematics.

## SENATE LEGAL COUNSEL AUTHORIZATION

The resolution (S. Res. 661) to authorize representation by the Senate Legal Counsel in the case of McCarthy v. Byrd, et al. was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 661

Whereas, in the case of McCarthy v. Byrd, et al., Case No. 1:10–CV–03317, pending in the United States District Court for the District of New Jersey, plaintiff has named as a defendant the President Pro Tempore of the Senate; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved,* That the Senate Legal Counsel is authorized to represent Senator Inouye, the President Pro Tempore of the Senate, in the case of McCarthy v. Byrd, et al.

Mr. REID. Mr. President, this resolution concerns a civil action filed against the President pro tempore of the Senate and the Speaker of the House of Representatives seeking to have the Federal courts order Congress to pass legislation enacting the plaintiff's proposal to purportedly save Social Security. This lawsuit seeking to compel the Congress to take legislative action is not cognizable before the Federal courts. This resolution authorizes the Senate Legal Counsel to represent the President pro tempore, Senator INOUYE, in this case and to move for its dismissal.

## ORDERS FOR WEDNESDAY, SEPTEMBER 29, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that after any leader remarks, the Senate proceed to a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees; that following morning business, the Senate debate the motion to proceed to S.J. Res. 39 as provided for under the previous order; that upon disposition of the joint resolution, the Senate resume consideration of the motion to proceed to H.R. 3081, the legislative vehicle for the continuing resolution; and that the Senate recess from 12:30 until 2:15 to allow for the caucus meetings. Finally, I ask that any time during consideration of the motion to proceed to S.J. Res. 39, morning business, recess, or adjournment count postcloture.

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

## PROGRAM

Mr. DURBIN. Mr. President, Senators should expect the first vote of the day to begin at 12 noon. That vote will be on the motion to proceed to S.J. Res. 39, a joint resolution providing for congressional disapproval of a rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act. We are also working on an agreement to complete action on the continuing resolution tomorrow. Senators will be notified when any additional votes are scheduled.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:13 p.m., adjourned until Wednesday, September 29, 2010, at 9:30 a.m.